

**City of Miami Beach - City Commission Meeting  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
April 20, 2005**

Mayor David Dermer  
Vice-Mayor Luis R. Garcia, Jr.  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Saul Gross  
Commissioner Jose Smith  
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

*Visit us on the Internet at [www.miamibeachfl.gov](http://www.miamibeachfl.gov) for agendas and video "streaming" of City Commission Meetings.*

**ATTENTION ALL LOBBYISTS**

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

**REGULAR AGENDA**

**R5 - Ordinances**

- R5A An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For The Following Parcel, More Particularly Described In The Legal Description Attached As Exhibit "A", With A Physical Address Of 2620 Biarritz Drive, Miami Beach, Florida, From The Current GU, "Government Use," To The Proposed Zoning Classification RS-3, "Residential Single-Family Zoning District," Providing For Codification, Repealer, Severability And An Effective Date. **10:30 a.m. First & Only Reading, Public Hearing** (Page 187)  
(Asset Management)

**R5 - Ordinances** (Continued)**R5B Nonconforming Structures**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IX, "Nonconformances," By Amending Section 118-395 To Clarify And Update Certain Terms And Descriptions, And To Provide More Defined Parameters For What Constitutes A Nonconforming Structure; By Amending Section 118-398 To Clarify And Update Certain Terms And Descriptions; By Amending Section 118-399 To Clarify And Update Certain Terms And Descriptions; By Amending Chapter 130, "Off Street Parking", Article VI, "Parking Credit System" By Amending Section 130-161, To Establish Revised Standards For Non-Conforming Structures; Providing For Repealer, Codification, Severability And An Effective Date. **10:45 a.m. Second Reading, Public Hearing** (Page 196)

(Planning Department)  
(Continued from February 23, 2005)

- R5C** An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; Amending Section 118-593(E), "Delineation On Zoning Map"; Amending Section 118-593(E)(2), "Historic Preservation Districts (HPD)" By Designating The Flamingo Waterway Historic District, Consisting Of A Certain Area Which Is Generally Bounded By The Center Line Of West 47th Street To The South, The Eastern Right-Of-Way Line Of Pine Tree Drive To The East, The Northern Lot Line Of 4816 Pine Tree Drive To The North, The Western Lot Line Of 353 West 47th Street To The West, And The Eastern Bulkhead Lines Of The Flamingo Waterway And Lake Surprise To The Northwest, As More Particularly Described Herein; Providing That The City's Zoning Map Shall Be Amended To Include The Flamingo Waterway Historic District; Adopting The Designation Report Attached Hereto As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code, Repealer, Severability, And An Effective Date. **5:05 p.m. First Reading, Public Hearing** (Page 201)

(Planning Department)

- R5D** An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142 "Zoning Districts And Regulations," By Amending Article IV, "Supplementary District Regulations," By Creating Division 6 "Housing For Low And/Or Moderate Income Elderly," Creating Section 142-1181, "Purpose," Section 142-1182 "Definitions," Section 142-1183, "Unit Size," And Section 142-1184 "Mandatory Criteria;" Amending Division 3, "Residential Multifamily Districts," Subdivision II "RM-1 Residential Multifamily Low Intensity," Subdivision IV, "RM-2 Residential Multifamily, Medium Intensity," Subdivision V, "RM-3 Residential Multifamily, High Intensity," Division 4 "CD-1 Commercial, Low Intensity District," Division 5, "CD-2 Commercial, Medium Intensity District," Division 6, "CD-3 Commercial, High Intensity District," And Division 18, "PS Performance Standard District," By Including References To Division 6, "Housing For Low And/Or Moderate Income Elderly"; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading** (Page 264)

(Planning Department)



**R5 - Ordinances** (Continued)

- R5E Demolition Procedures For Non-Designated Structures  
An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," Section 118-591, By Amending The Procedures For Instructions To The Planning Department For Designation Of Historic Structures And The Issuance Of Demolition Permits; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading** (Page 277)  
(Planning Department)
- R5F An Ordinance Repealing Miami Beach City Code Chapter 74, Article III Thereof Entitled "Peddlers And Solicitors"; Providing For Repealer, Severability, Codification And Effective Date. **First Reading** (Page 286)  
(Requested by Commissioner Matti Herrera Bower)
- R5G An Ordinance Relating To Watercraft; Amending Chapter 66 By Enacting A New Section 66-8 Regulating The Anchoring And Mooring Of Watercraft Within The Boundaries Of The City; Regulating Anchoring Or Mooring For Nonnavigational, Live-Aboard, And Other Purposes; Defining Nonnavigational Purposes And Exceptions, And Live-Aboard; Establishing A Penalty For Violation; Providing For Repealer Of All Conflicting Ordinances, Rules And Regulations; Providing For Codification And A Severance Clause; And Setting An Effective Date. **First Reading** (Page 292)  
(Requested by Commissioner Jose Smith)

**R7 - Resolutions**

- R7A A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Southern Half) Of The West 59th Street Street-End, West Of North Bay Road, In Favor Of Roger J. Schindler And Leslie Schindler, Owners Of The Adjacent Property, Located At 5860 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:15 a.m. Public Hearing** (Page 358)

(Public Works)

(Continued from February 23, 2005)

**(Item Withdrawn at Applicants Request)**

**R7 - Resolutions** (Continued)

- R7B A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Southern Half) Of The West 56th Street Street-End, West Of North Bay Road, In Favor Of Mary Elizabeth Donnelly, Owner Of The Adjacent Residential Property, Located At 5480 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street-End; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:15 a.m. Public Hearing** (Page 365)

(Public Works)

(Continued from February 23, 2005)

**(Item Withdrawn at Applicants Request)**

- R7C A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion Of An Alley Adjacent To Lots 2 Through 7 Of The Amended Plat Of Aquarium Site Resubdivision, Containing Approximately 4,200 Square Feet In Favor Of The Applicant(And Developer Of The Vitri Project), 535 West Avenue, LLC, And Approving And Accepting The Dedication By 535 West Avenue LLC, Of Portions Of Lots 8, 9, 10 And 13 Of Same Subdivision, Containing Approximately 4,200 Square Feet, For Perpetual Use As A Public Alley; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; Provided Further That The City's Approval Of The Aforestated Vacation And Acceptance Is Subject To And Contingent Upon 535 West Avenue, LLC's Satisfaction Of The Conditions Set Forth In This Resolution; Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation And Acceptance Of Dedication, Including A Quitclaim Deed, Subject To Final Review Of Same By The City Attorney's Office; And Accepting A \$125,000 Voluntary Contribution To The City's Capital Improvement Program.. **11:15 a.m. Public Hearing** (Page 370)

(Public Works)

**R7 - Resolutions** (Continued)

- R7D A Resolution Following A Duly Noticed Public Hearing, Approving On First Reading, In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The "Florida Local Government Development Agreement Act," A First Addendum To The Development Agreement Between The City Of Miami Beach And The New World Symphony, Dated January 5, 2004, For The Development Of A Portion Of The Surface Parking Lot, Bounded By 17th Street To The North, North Lincoln Lane To The South, Washington Avenue To The East And Pennsylvania Avenue To The West, For Construction Of An Approximately 50,000 Square Foot Educational, Performance And Internet Broadcast Facility With An Exterior Screen ("Soundspace"), And An Approximately 320-Space (+/-) Public Parking Garage Facility; Said Addendum Specifically Amending The Development Agreement, And Authorizing The Developer To Proceed With The Design And Development Of The Park Project Compromising Of: Zone 1, Comprising The Park And Drexel Avenue Between North Lincoln Lane And 17th Street, At The City's Cost And Expense, Not To Exceed \$10,000,000; Zone 2, Comprising The Jackie Gleason Theater Of The Performing Arts (TOPA) Entry Landscaping At The City's Cost And Expense, Not To Exceed \$1,150,000; And Zone 3, Comprising North Lincoln Lane Improvements, At The City's Cost And Expense, Not To Exceed \$500,000; And Further Setting The Second Public Hearing On January 12, 2005. **5:00 p.m. Public Hearing** (Page 379)

(Economic Development)

(Continued from February 23, 2005)

- R7E A Resolution Following A Duly Noticed Public Hearing, Creating Restricted Residential Parking Permit Zone 14/Belle Isle With Boundaries As Follows: On The South, The Southerlyline Of Island Avenue; On The East, The Easterlyline Of Island Avenue; On The North, The Northerlyline Of Island Avenue; And On The West, The Westerly Line Of Island Avenue; And Further Amending Residential Parking Zones One (South Pointe); Two (Flamingo Park); Three (Michigan Avenue); Four (Cultural District); Eleven (Lake Pancoast); And Twelve (Upper West Avenue), Respectively, By Amending The Hours Of Operation Of Said Zones From "Monday To Friday, 6:00 P.M. To 7:00 A.M.", To "Sunday To Friday, 6:00 P.M. To 7:00 A.M." **5:01 p.m. Public Hearing** (Page 382)  
(Parking Department)

- R7F A Resolution In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The "Florida Local Government Development Agreement Act," Approving, On First Reading, A Development Agreement Between The City Of Miami Beach And AR&J SOBE, LLC (A/K/A Potamkin/Berkowitz) For The Development Of The Project, Presently Referred To As "5th And Alton," Containing Approximately 179,000 Square Feet Of Retail Area; A Supermarket; An Approximately 1081 Space Parking Garage; Park-And-Ride Transit Facility, Including An Intermodal/Transportation Component; And Surrounding Streetscape And Public Infrastructure To Serve The Project, Bounded By Lenox Avenue On The East, Alton Road On The West, 6th Street On The North And 5th Street On The South, In Miami Beach; Further Setting The Second Public Hearing For The Second And Final Reading Of The Development Agreement; Further Directing The Administration To Prepare A Resolution Granting A Waiver Of Developer's Required Art In Public Places Contribution For The Project, With Such Waiver To Be Considered By The City Commission On Second And Final Reading Of The Development Agreement. **5:10 p.m. First Public Hearing** (Page 391)

(City Manager's Office)

(Continued from March 16, 2005)

**R7 - Resolutions** (Continued)

- R7G A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Qualifications (RFQ) No. 01-04/05 For An Environmental Assessment For The 5th And Alton Transit Center; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of HDR Engineering, Inc; Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of URS Corporation; Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate With The Third Ranked Firm Of Geotech Environmental. (Page 420)  
(Economic Development)
- R7H A Resolution Amending Resolution No. 2004-25742, Setting The Dates For The Year 2005 Commission Meetings; Authorizing A Change In The Commission Meeting In May From May 25 To May 18; Canceling The May 4 Commission Date And Keeping May 25 As An Alternate Commission Meeting Day; Scheduling September 14, October 26 And December 14 As Alternative Commission Meeting Dates. **Joint City Commission and Redevelopment Agency** (Page 431)  
(City Clerk's Office)
- R7I A Resolution Authorizing The Administration To Continue With The Construction Scope Of Work Of The Pool Portion Of The Normandy Isle Park And Pool Project, Independently From The Performance Bond Claim To The St. Paul Guardian Insurance Companies, Regosa Engineering's Surety Company; And Appropriating \$1,119,418 From 2% Resort Tax Contingency From Incentive Savings To Provide Sufficient Funding To Complete The Project. (Page 436)  
(Capital Improvement Projects)  
**(Memorandum and Resolution to be Submitted in Supplemental)**
- R7J A Resolution Appropriating \$537,990 From Series 2000 Stormwater Bond Interest Funds; Appropriating \$150,000 From The 1999 General Obligation Bond Fund (Previously Allocated For The Shane Watersports Center); And If Approved By The US Department Of Housing And Urban Development (HUD), Reallocating The Unspent Portion Of The US Department Of Housing And Urban Development (HUD) Grant Through Florida International University (FIU) Originally Allocated For The North Shore Park And Youth Center Concession Stand, To Provide Sufficient Funding To Complete The Park Portion Of The Normandy Isle Park And Pool Project. (Page 438)  
(Capital Improvement Projects)  
**(Memorandum and Resolution to be Submitted in Supplemental)**
- R7K A Resolution Approving The Preliminary Plans And Specifications Submitted By The Miami Beach Jewish Community Center, Inc. (JCC) On February 8, 2005, As Recommended By The Neighborhood/Community Affairs Committee On March 29, 2005, Although Materially Inconsistent With The Original Concept Plan Contained In The Amended And Restated/Consolidated Lease Agreement By And Between The City Of Miami Beach And The JCC For The City-Owned Property Located At 4221-29 Pine Tree Drive, Miami Beach, Florida; Further Authorizing The City Manager To Execute Any And All Proprietary Documentation, On Behalf Of The City, Related To The JCC's Application To The City's Design Review Board, As May Be Required. (Page 440)  
(Asset Management)

**R9 - New Business and Commission Requests**

- R9A Board And Committee Appointments. (Page 462)  
(City Clerk's Office)
- R9A1 Nomination Of Jim Weingarten To The Art In Public Places Committee. (Page 466)  
(Requested by Commissioner Simon Cruz)
- R9A2 Reappointment Of Nancy Liebman To The Performing Arts Center Trust. (Page 468)  
(Requested by Mayor David Dermer)
- R9A3 General Obligation Bond Oversight Committee Appointment. (Page 470)  
(City Clerk's Office)
- R9A4 Nomination Of Christina M. Cuervo As The North Beach Representative On The General Obligation  
Bond Oversight Committee. (Page 472)  
(Requested by Mayor David Dermer)
- R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 474)  
R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Discussion Regarding A Resolution Urging The Florida Legislature To Utilize The 2004-2005 District  
Cost Differential ("DCD") Until Such Time As A New And Equitable Calculation For The DCD May Be  
Devised By A Qualified, Unbiased Third Party And Urging The Miami-Dade Legislation Delegation To  
Adopt This Goal As A Major Priority And A Non-Negotiable Objective For The 2005 Legislative  
Session. (Page 476)  
(Requested by Commissioner Matti Herrera Bower)
- R9D The Committee Of The Whole Will Meet During Lunch Break In The City Manager's Large  
Conference Room For A Fiscal Year 2005/06 General Fund Budget Briefing. (Page 484)  
(City Manager's Office)
- R9E Discussion Regarding A Resolution Urging The South Florida Workforce Not To Close The One Stop  
Career Center In Miami Beach Due To Its Vital Contribution To The Citizens Of Miami Beach And  
Adjoining Communities. (Page 486)  
(Requested by Commissioner Matti Herrera Bower)
- R9F Discussion Regarding The Urban Impact Compensation Fund. (Page 490)  
(Requested by Mayor David Dermer)

**R9 - New Business and Commission Requests (Continued)**

- R9G Discussion Regarding The Possible Demolition Of The Fontainebleau North Tower. (Page 492)  
(Requested by Mayor David Dermer)
- R9H Discussion And Referral To The Neighborhood/Community Affairs Committee Regarding An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," To Create Article VI, To Be Entitled "Sex Offenders" And Creating Section 70-400, Entitled "Sex Offender Residency Prohibition," Providing For A Prohibition From Sex Offenders Convicted Of Crimes Under Certain Florida Statutes From Living Within 2500 Feet Of Specified Locations Within The City Of Miami Beach; Providing For Codification, Repealer, Severability, And An Effective Date. (Page 494)  
(Requested by Mayor David Dermer)
- R9I Discussion Regarding The Efforts By The Fire Fighters Union In Conjunction With The City Administration To Access Redevelopment Funds To Enhance Fire Rescue Services. (Page 498)  
(Requested by Vice-Mayor Luis R. Garcia, Jr.)
- R9J Discussion Regarding The Carrfour Facility Being Established On North Beach. (Page 500)  
(Requested by Vice-Mayor Luis R. Garcia, Jr.)

**R10 - City Attorney Reports**

- R10A Notice Of Attorney-Client Session (Page 503)  
Pursuant To Section 286.011(8), Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation:

City Of Miami Beach Vs. Miami-Dade County, Florida And 900 Collins Ave., LLC., Eleventh Judicial Circuit Court, Appellate Division, Appellate Case No. 05-087 AP; Lower Case No. BV04000959

Therefore, A Private Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On April 20, 2005 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation. The Specific Time Period For And The Commencement Of The Attorney-Client Session Shall Be Announced By The Chair Of The Commission Meeting At The Opening Of The Attorney-Client Session. The Termination Of The Attorney-Client Session Shall Be Announced By The Chair Of The Commission Meeting At The Re-Opening Of The Commission Meeting After The Lunch Recess.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Don Papy, And First Assistant City Attorney Gary Held.

**Reports and Informational Items**

- A City Attorney's Status Report. (Page 506)  
(City Attorney's Office)
- B Parking Status Report. (Page 510)  
(Parking Department)
- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2. (Page 554)  
(Capital Improvement Projects)
- D Status Report On The Construction Of Fire Station No. 4. (Page 556)  
(Capital Improvement Projects)
- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Page 558)  
(Procurement)
- F Non-City Entities Represented By City Commission:
1. Minutes From The December 2, 2004 Miami-Dade County League Of Cities Board Meeting And Agenda From The January 6, 2005 Meeting. (Page 562)  
(Requested by Commissioner Richard L. Steinberg)
  2. Minutes From The January 28, 2005 Miami-Dade County Homeless Trust Board Meeting. (Page 580)  
(Requested by Commissioner Richard L. Steinberg)
  3. Minutes From The February 25, 2005 Miami-Dade County Homeless Trust Board Meeting. (Page 586)  
(Requested by Commissioner Richard L. Steinberg)

**End of Regular Agenda**

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
<http://ci.miami-beach.fl.us>



## OFFICE OF THE CITY CLERK

### HOW A PERSON MAY APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

THE REGULARLY SCHEDULED MEETINGS OF THE CITY COMMISSION ARE ESTABLISHED BY RESOLUTION. SCHEDULED MEETING DATES ARE AVAILABLE ON THE CITY'S WEBSITE, DISPLAYED ON CHANNEL 20, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE AT 9:00 AM. GENERALLY THE CITY COMMISSION IS IN RECESS DURING THE MONTH OF AUGUST.

1. DR. STANLEY SUTNICK CITIZENS' FORUM will be held during the first Commission meeting each month. The Forum will be split into two (2) sessions, 1:30 p.m and 5:30 p.m. Approximately thirty (30) minutes will be allocated per session for each of the subjects to be considered, with individuals being limited to no more than three (3) minutes. No appointment or advance notification is needed in order to speak to the Commission during this forum.
2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. Copies of the Agenda may be obtained at the City Clerk's Office on the Monday prior to the Commission regular meeting. The complete Agenda, including all backup material, is available for inspection the Monday and Tuesday prior to the Commission meeting at the City Clerk's Office and at the following Miami Beach Branch Libraries: Main, North Shore, and South Shore. The information is also available on the City's website which is - <http://ci.miami-beach.fl.us>.
3. Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139, briefly outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office no later than noon on Tuesday of the week prior to the scheduled Commission meeting to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.
4. Once an Agenda for a Commission Meeting is published, persons wishing to speak on items listed on the Agenda may call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m. on the Tuesday prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.
5. All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, with the approval of the City Commission, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the City Clerk's Office in advance of the meeting. All persons wishing to speak at a public hearing may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.
6. If a person wishes to address the Commission on an emergency matter, which is not listed on the agenda, there will be a period of fifteen minutes total allocated at the commencement of the Commission Meeting at 9:00 a.m. when the Mayor calls for additions to, deletions from, or corrections to the Agenda. The decision as to whether or not the matter will be heard, and when it will be heard, is at the discretion of the Mayor and the City Commission. On the presentation of an emergency matter, the speaker's remarks must be concise and related to a specific item. Each speaker will be limited to three minutes.



**ATTACHMENT 1**

**CITY OF MIAMI BEACH**

**2005 CITY COMMISSION MEETINGS**

January 12 (Wednesday)

February 2 (Wednesday)

February 23 (Wednesday)

March 16 (Wednesday)

April 20 (Wednesday)

May 4 (Wednesday)

May 25 (Wednesday)

June 8 (Wednesday)

July 6 (Wednesday)

July 27 (Wednesday)

**August City Commission in Recess - NO MEETINGS**

September 7 (Wednesday)

October 19 (Wednesday)

November 2\* (Wednesday)

November 16\* (Wednesday)

December 7 (Wednesday)

\* Election related items only.



**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

Ordinance amending the official Zoning District Map, referenced in Section 142-72 of the Code of the City of Miami Beach, Florida, by changing the zoning district classification for the following parcel with a physical address of 2620 Biarritz Drive, Miami Beach, Florida, from the current GU, "Government Use," to the proposed zoning classification RS-3, "Residential Single-Family Zoning District," providing for codification, repealer, severability and an effective date.

**Issue:**

Shall the City Commission adopt the Ordinance changing the zoning district classification?

**Item Summary/Recommendation:**

On March 9, 2004 the voters of the City were presented with a ballot question regarding whether the City should sell waterfront property located at 2620 Biarritz Drive, with the sale proceeds to be utilized for the renovation of the Normandy Shores Golf Course. The matter was approved by a majority of the voters at that time.

On February 18, 2005, the property was offered for sale, at auction, to the highest qualified bidder, which executed a Primary Real Estate Sales Contract. The Second highest bidder also executed a "Back-up" Real Estate Sales Contract. On February 23, 2005, the Mayor and City Commission approved and authorized execution of the Primary Contract and Back-Up Contract. The Property currently has a GU zoning classification, and due to the conveyance to a private party requires a change in zoning district classification. Since the property is located next to an RS-3 District, an RS-3 designation would be the most appropriate for the property in private ownership.

On April 4, 2005, the transaction on the sale of the Property to the high bidder was successfully closed and title to same was transferred accordingly.

The Administration recommends that the Mayor and City Commission adopt the Ordinance changing the zoning district classification from GU to RS-3.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 40px; margin-bottom: 5px;"></div> Finance Dept.	1			
	2			
	3			
	4			
	<b>Total</b>			

**City Clerk's Office Legislative Tracking:**

Tim Hemstreet/Joe Damien

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM RSA  
DATE 4-20-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**FIRST & ONLY READING  
PUBLIC HEARING**

**Subject:** AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE FOLLOWING PARCEL, MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A", WITH A PHYSICAL ADDRESS OF 2620 BIARRITZ DRIVE, MIAMI BEACH, FLORIDA, FROM THE CURRENT GU, "GOVERNMENT USE," TO THE PROPOSED ZONING CLASSIFICATION RS-3, "RESIDENTIAL SINGLE-FAMILY ZONING DISTRICT," PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

### ADMINISTRATION RECOMMENDATION

Adopt the Ordinance.

### ANALYSIS

On December 10, 2003, the Mayor and City Commission adopted Resolution No. 2003-25440 approving the submission of a ballot question to the electorate, asking whether the a City-owned vacant park/waterfront lot at 2620 Biarritz Drive shall be sold and the proceeds applied to the renovation of the Normandy Shores Golf Course. The issue had been previously discussed at the November 20, 2003, Finance and City Wide Projects Committee with a positive recommendation forwarded to the Mayor and City Commission.

On the March 9, 2004, during Miami-Dade County's Presidential Preference Primary Election ballot the voters of the City of Miami Beach were presented with seven City ballot questions, including Ballot Question No. 7 entitled, "Sale of 2620 Biarritz Drive", which read:

"Shall the City of Miami Beach sell waterfront property located at 2620 Biarritz Drive in Miami Beach, Florida (survey and legal description of property on file in City's Public Works Department), with the sale proceeds to be utilized for the City's renovation of the Normandy Shores Golf Course?"

and the matter was approved by a majority of the voters at that time.

On February 18, 2005, the Property was offered for sale, at auction, to the highest qualified bidder, which executed a Primary Real Estate Sales Contract. On that same day the second highest bidder also executed a "Back-Up" Real Estate Sales Contract. On February 23, 2005, the Mayor and City Commission adopted Resolution No. 2005-25829, approving and authorizing execution of the Primary Contract, as well as the Back-Up Contract (in the event the Primary Contract did not close).

The Property is currently located in an area that has a GU (Government Use) zoning district classification, and due to the pending conveyance of the Property to a private party would require a change in zoning district classification. Pursuant to Section 142-425, of the Miami Beach City Code:

"Upon the sale of GU property, the zoning district classification shall be determined, after public hearing with notice pursuant to Florida Statutes, by the City Commission in a manner consistent with the comprehensive plan."

The Property is located adjacent to a single-family residential district with a current zoning district classification of RS-3 (Single Family Residential District). Due to the foregoing, the City Administration deems that an RS3 designation would be the most appropriate for the Property once in private ownership.

Pursuant to Section 142-425 of the Miami Beach City Code, on March 16, 2005, the Administration recommended to the Mayor and City Commission that the required Public Hearing be set for April 20, 2005, to consider an amendment to the zoning map by changing the zoning district classification of the property located at 2620 Biarritz Drive, Miami Beach, Florida, from GU (Government Use) to RS-3 (Single Family Residential), following the Property's conveyance by the City to a private party, pursuant to City Commission Resolution No. 2005-25829, and in accordance with the City's Comprehensive Plan and Land Development Regulations. The Mayor and City Commission adopted Resolution No. 2005-25834 setting the public hearing for April 20, 2005.

On April 4, 2005, the transaction on the sale of the Property to the high bidder, Sheldon Margules, was successfully closed and title to same was transferred accordingly.

As such, and in accordance with the aforementioned City Code requirements, the Administration recommends that the Mayor and City Commission adopt an ordinance amending the City's zoning map by changing the zoning district classification of the property located at 2620 Biarritz Drive, from GU (Government Use) to RS-3 (Single Family Residential), in accordance with the City's Comprehensive Plan and Land Development Regulations.

### **Fiscal Impact**

The transfer of title to the private sector has effectively eliminated the City's responsibility for maintaining the Property, as well as placing same on the Ad Valorem Tax rolls. Based on the final sales price of \$1,942,500, once effective in FY 2005/2006, should result in an additional \$14,000 +/- to the City's share of Ad Valorem taxes.

JMG:TH:JD:rlr

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE FOLLOWING PARCEL, MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A", WITH A PHYSICAL ADDRESS OF 2620 BIARRITZ DRIVE, MIAMI BEACH, FLORIDA, FROM THE CURRENT GU, "GOVERNMENT USE," TO THE PROPOSED ZONING CLASSIFICATION RS-3, "RESIDENTIAL SINGLE-FAMILY ZONING DISTRICT," PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, on December 10, 2003, the Mayor and City Commission adopted Resolution No. 2003-25440, approving the submission of a ballot question to the electorate, asking whether the City-owned property at 2620 Biarritz Drive (the "Property") should be sold and the proceeds applied to the renovation of the Normandy Shores Golf Course; and

**WHEREAS**, on March 9, 2004, during Miami-Dade County's Presidential Preference Primary Elections ballot, the voters of the City of Miami Beach were presented with seven City ballot questions, including Ballot Question No. 7 entitled, "Sale of 2620 Biarritz Drive", which read:

"Shall the City of Miami Beach sell waterfront property located at 2620 Biarritz Drive in Miami Beach, Florida (survey and legal description of property on file in City's Public Works Department), with the sale proceeds to be utilized for the City's renovation of the Normandy Shores Golf Course?"; and

**WHEREAS**, the voters approved the aforementioned Ballot Question; and

**WHEREAS**, the Property was offered for sale, at auction, on February 18, 2005; and the highest qualified bidder, executed a Primary Real Estate Sales Contract, and the second highest bidder executed a "Back-Up" Real Estate Sales Contract; and

**WHEREAS**, on February 23, 2005, the Mayor and City Commission adopted Resolution No. 2005-25829, approving and authorizing execution of the Primary Contract, as well as the Back-Up Contract, in the event the Primary Contract does not close; and

**WHEREAS**, on April 4, 2005, the transaction on the sale of the Property to the high bidder, Sheldon Margules, was successfully closed and title to same was transferred accordingly, and

**WHEREAS**, the Property is currently located in an area that has a GU (Government Use) zoning district classification, and due to the conveyance of the Property to a private party requires a change in zoning district classification; and

**WHEREAS**, pursuant to Section 142-425, of the Miami Beach City Code, "Upon the sale of GU property, the zoning district classification shall be determined, after public hearing with notice pursuant to Florida Statutes, by the City Commission in a manner consistent with the comprehensive plan"; and

**WHEREAS**, on March 16, 2005, the Mayor and City Commission adopted Resolution No. 2005-25834 setting the required public hearing for April 20, 2005; and

**WHEREAS**, the Property is currently located adjacent to a single-family residential district with a zoning district classification of RS-3 (Single Family Residential District), and as such the City Administration has deemed that an RS-3 designation would be the most appropriate for the Property in private ownership.

**WHEREAS**, the full legal description of the Affected Property is contained in the Exhibit attached to this Ordinance, and shortened descriptions of said property will be codified in the amendments below.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.** The following amendment to the City's zoning map designation for the property described herein is hereby approved and adopted and the Planning Director is hereby directed to make the appropriate change to the zoning map of the City:

A parcel of land commonly referred to as 2620 Biarritz Drive, Miami Beach, Florida, approximately 13,000 square feet, from the current GU, "Government Use," to the proposed zoning classification RS-3, "Single Family Residential."

**SECTION 2. REPEALER.** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 3. SEVERABILITY.** If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 4. CODIFICATION.** It is the intention of the City Commission that this Ordinance be entered into the Code, and it is hereby ordained that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word. The Exhibit to this Ordinance shall not be codified, but shall be kept on file with this Ordinance in the City Clerk's Office.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall take effect ten days after adoption.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

VERIFIED:

\_\_\_\_\_  
PLANNING DIRECTOR

\_\_\_\_\_  
DATE

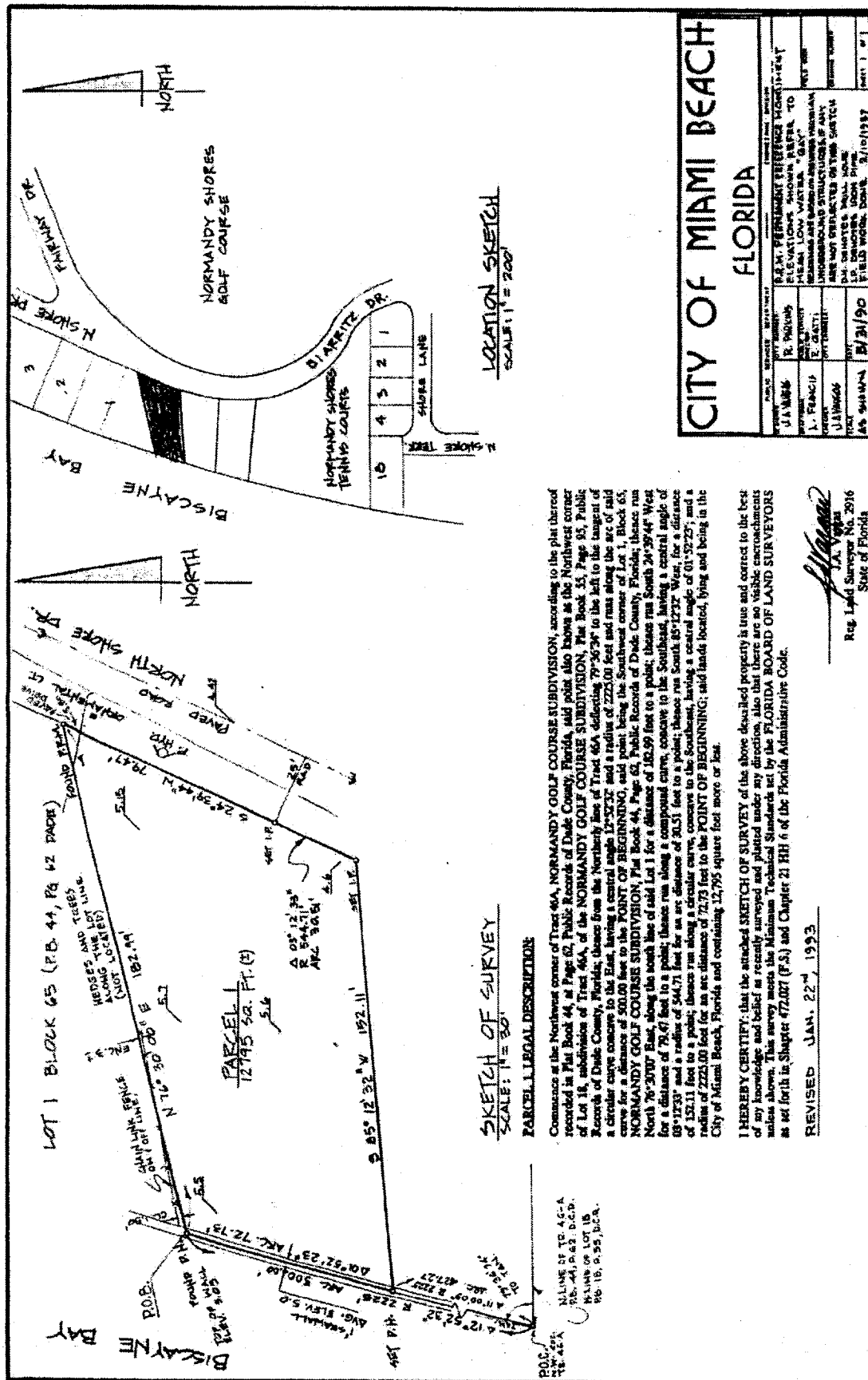
**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
CITY ATTORNEY 

4-13-05  
DATE

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## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY** given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, April 20, 2005**, to consider the following:

**10:30 A.M.**

**TO CONSIDER PUBLIC COMMENT, AS REQUIRED BY SECTION 142-425 OF THE CITY CODE**, to Consider An Amendment To The Zoning Map By Changing The Zoning District Classification Of Property Located At 2620 Biarritz Drive, From GU (Government Use) To RS-3 (Single Family Residential), Following The Property's Conveyance By The City To A Private Party, Pursuant To City Commission Resolution No. 2C05-25829, All In Accordance With The City's Comprehensive Plan And Land Development Regulations.

Inquiries may be directed to Asset Management at (305) 673-7193.

**11:15 A.M.**

**TO CONSIDER PUBLIC COMMENT, AS REQUIRED BY SECTION 82-37 OF THE CITY CODE**, Regarding The Vacation Of An Alley, Adjacent To Lots 2 Through 7 Of The Amended Plat Of Aquarium Site Resubdivision, Containing Approximately 4,200 Square Feet, In Favor Of The Applicant (And Developer Of The Vitri Project), 535 West Avenue, LLC, And Approving And Accepting The Dedication By 535 West Avenue LLC, Of Portions Of Lots 8, 9, 10 And 13 Of Same Subdivision, Containing Approximately 4,200 Square Feet, For Perpetual Use As A Public Alley.

Inquiries may be directed to the Department of Public Works at (305) 673-7080.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of the agreements and ordinance are available for public inspection during normal business hours in the Planning Department Office, 1700 Convention Center Drive, 2nd Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk  
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

Ordinance amending the Nonconforming Structures Section of the City Code, to clarify and update certain terms and descriptions, and to provide a more defined parameters for what constitutes a nonconforming structure.

**Issue:**

Amendment to the Nonconforming Structures Section of the City Code, modifying the procedures for the reconstruction of contributing buildings in historic districts.

**Item Summary/Recommendation:**

As part of the recommendation of the Mayor's Blue Ribbon Panel on the Structural Integrity of Historic Buildings, an Ordinance has been drafted to address reconstruction requirements for contributing buildings in historic districts.

On February 2, 2005 the City Commission approved the Ordinance on First Reading and referred the matter to the Land Use and Development Committee for further discussion. On February 14, 2005, the Land Use and Development Committee reviewed the subject Ordinance and referred the matter back to the Planning, Design Review and Historic Preservation Boards for further study.


On February 23, 2005 the City Commission opened and continued the Ordinance to a date certain of April 20, 2005. The Administration recommends that the Mayor and City Commission open and continue the proposed Ordinance to a date certain of June 8, 2005.

**Advisory Board Recommendation:**

The Planning Board transmitted the proposed Ordinance, with a favorable recommendation, to the City Commission on January 25, 2005. The Historic Preservation Board reviewed the Ordinance on December 14, 2004 and January 11, 2005 and recommended approval. The Land Use and Development Committee reviewed the proposed Ordinance on February 14, 2005 and referred the matter back to the Planning Board, Historic Preservation Board and Design Review Board for further review.

The Historic Preservation Board reviewed the revised Ordinance on March 8, 2005 and recommended approval. The Design Review Board reviewed the revised Ordinance on March 15, 2005 and recommended approval. The Planning Board reviewed the revised Ordinance March 29, 2005 and recommended certain modifications; the Planning Board continued the item to the April 26, 2005 meeting.

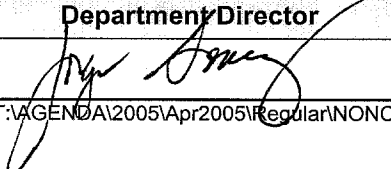
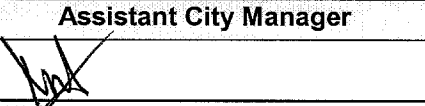
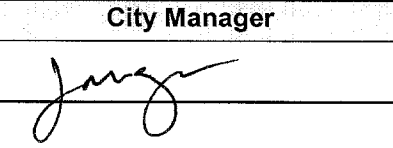
**Financial Information:**

Source of Funds:		Amount	Account	Approved
 Finance Dept.	1			
	2			
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	Total			

**City Clerk's Office Legislative Tracking:**

Jorge Gomez or Thomas Mooney

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM RSB

DATE 4-20-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
<http://ci.miami-beach.fl.us>



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members Of The City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**SECOND READING**

**Subject: Nonconforming Structures**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE IX, "NONCONFORMANCES," BY AMENDING SECTION 118-395 TO CLARIFY AND UPDATE CERTAIN TERMS AND DESCRIPTIONS, AND TO PROVIDE MORE DEFINED PARAMETERS FOR WHAT CONSTITUTES A NONCONFORMING STRUCTURE; BY AMENDING SECTION 118-398 TO CLARIFY AND UPDATE CERTAIN TERMS AND DESCRIPTIONS; AND BY AMENDING SECTION 118-399 TO CLARIFY AND UPDATE CERTAIN TERMS AND DESCRIPTIONS; AMENDING CHAPTER 130, "OFF STREET PARKING", ARTICLE VI, "PARKING CREDIT SYSTEM" BY AMENDING SECTION 130-161, TO ESTABLISH REVISED STANDARDS FOR NONCONFORMING STRUCTURES; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

### ADMINISTRATION RECOMMENDATION

Open and continue the proposed Ordinance to a date certain of June 8, 2005.

### ANALYSIS

Currently, the City Code does not specify how much of an existing structure must remain in order to retain any legal nonconforming attributes, if it is damaged or repaired beyond the 50% rule. Because of this certain projects have claimed a grandfathered vesting with regard to setbacks, FAR and parking credits, even though only a small percentage of the structure is being retained. In order to address this shortcoming, specific language relative to the amount of a nonconforming structure, which is exceeding the 50% rule, which must be retained in order to grandfather any legal nonconforming attributes, has been developed.

This criteria is also specific to structures located city wide (including noncontributing structures located within local historic districts) and contributing structures located within historic districts:

For contributing structures located within a designated historic district or historic site, the main change involves the amount of building that must be preserved, as well as the introduction of a waiver provision, at the discretion of the Historic Preservation Board. Specifically the following is noted:

- The existing structure's floor area, height, and setbacks may remain, subject to the review and approval of the Historic Preservation Board, provided that at least 90% of the front and street side façades, the original first floor slab and any portion of architecturally significant public interiors, as determined by the City's historic properties databases or the Historic Preservation Board, remain substantially intact and for structures that are set back from the side property lines that at least 2/3 of the remaining interior side walls are retained and are not demolished.
- The Historic Preservation Board, at its discretion, may waive the requirement that the front and side street façades, original floor slab, public interior and 2/3 of the remaining interior side walls be retained, provided the subject structure is replicated in accordance with historic documentation.
- If the Historic Preservation Board waives the requirements as described above, and permits the structure to be replicated, the project shall satisfy the parking requirement as prescribed in these Land Development Regulations.
- If the Historic Preservation Board does not waive the requirements as described above, any new structure shall be required to meet all current development regulations for the zoning district in which the property is located.
- Any new addition or alteration must comply with the current development regulations in the zoning district in which the property is located.

For noncontributing structures located in a designated historic district and structures not located within a designated historic district or historic site, the following is noted:

- The building must meet all development regulations as set forth in the zoning district in which the property is located, unless at least 90% of the front and street side façades remain substantially intact and are retained, 90% of the original first floor slab and 90% of all upper level floor plates remain substantially intact and are retained, and that at least 50% of the remaining interior side walls are retained.
- No new floor area may be added if the maximum floor area ratio is presently exceeded.

With regard to parking credits, regardless of whether the nonconforming structure is contributing or not, the building shall receive parking credits if there is no change in use, and provided that at least 90% of the front and street side façades remain substantially intact and are retained, 90% of the original first floor slab and 90% of all upper level floor plates remain substantially intact and are retained, and that at least 50% of the remaining interior side walls are retained.

The Historic Preservation Board reviewed the proposed ordinance on December 14, 2004 and January 11, 2005 and recommended its approval. The Historic Preservation Board

also recommended that the Ordinance be strengthened in a manner consistent with the recommendations of the Mayor's Blue Ribbon Panel on the Structural Integrity of Historic Buildings. In this regard, a section has been added to the proposed ordinance creating a "presumption" that any contributing structure demolished shall be fully reconstructed without any additional floor area. The Historic Preservation Board will have the latitude, on a case-by-case basis, to require the reconstruction of any structure deemed to be structurally unsafe.

By limiting the amount of floor area that can be added to a contributing structure, it is anticipated that this change will encourage the preservation of structures by creating an incentive for their preservation. It will also put all current and future property owners on notice that existing structures in local historic districts, that are designated contributing, would have to be reconstructed if they are found to be structurally unsafe.

On January 25, 2005 the Planning Board voted to transmit the proposed Ordinance Amendment to the City Commission with a favorable recommendation. The Planning Board made some minor text modifications to the proposed Ordinance, including the removal of certain incentives for non-contributing buildings in historic districts, as well as the requirement that historic materials be used whenever possible in the reconstruction of contributing buildings.

On February 2, 2005 the City Commission approved the Ordinance on first reading and scheduled a second reading public hearing for February 23, 2005. The Commission also referred the matter to the Land Use and Development Committee for further discussion.

On February 14, 2005, the Land Use and Development Committee reviewed the subject Ordinance and recommended a number of modifications, including the following:

1. That the percentage of a building to be preserved in order to retain non-conforming zoning rights be decreased from 90% to 75%.
2. The "presumption" clause of the ordinance pertaining to the reconstruction of contributing structures shall be further studied and refined.
3. That percentage of a building to be preserved in order to retain non-conforming parking credits be decreased from 90% to 50% and that criteria be established for the applicability of paying a parking impact fee outside of an historic district.
4. An appeal process be established pertaining to administrative determinations of architectural significance for structures built prior to 1965 and located outside of designated historic districts.
5. Rear walls may be demolished in their entirety without affecting parking credits or non-conforming zoning rights.

Based upon the number of changes suggested, the Land Use and Development Committee referred the matter back to the Planning Board, Historic Preservation Board and Design Review Board for further discussion and consideration.

The revised Ordinance was reviewed by the Historic Preservation Board on March 8, 2005, which recommended approval. The Design Review Board will review the proposed Ordinance on April 19, 2005.

The Planning Board reviewed the revised Ordinance on March 29, 2005 and continued the item to the April 26, 2005 meeting. The Planning Board had specific concerns pertaining to the inclusion of parking impact fees in areas outside of local historic districts, as well as the proposed mandatory requirements for new construction in the event a contributing building is demolished. The Administration is formulating revised language to address the concerns of the Planning Board and will be presenting a revised ordinance on April 26, 2005.

### **FISCAL IMPACT**

The proposed Ordinance is not expected to have any fiscal impact.

### **CONCLUSION**

The Administration recommends that the Mayor and City Commission open and continue the proposed Ordinance to a date certain of June 8, 2005.

Pursuant to Section 118-164(4) of the City Code, an affirmative vote of five-sevenths shall be necessary in order to enact any amendments to the Land Development Regulations.

JMG/TH/JGG/TRM

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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**

**Condensed Title:**

First and Only Reading Public Hearing - Proposed Designation of the Flamingo Waterway Historic District

**Issue:**

The Administration is requesting that the Mayor and City Commission consider the proposed designation of the Flamingo Waterway Historic District.

**Item Summary/Recommendation:**

Adopt the proposed ordinance on first and only reading public hearing by designating the Flamingo Waterway Historic District.

**Advisory Board Recommendation:**

On December 14, 2004, the Historic Preservation Board unanimously approved a motion (7 to 0) to recommend approval of the designation of the Flamingo Waterway Historic District.

On January 25, 2005, the Planning Board unanimously approved a motion (5 to 0; 2 absences) to recommend approval of the designation of said historic district.

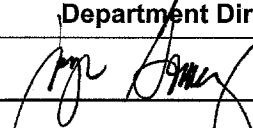

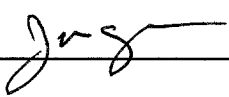
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	Total			

**City Clerk's Office Legislative Tracking:**

William H. Cary, Assistant Planning Director; Shannon M. Anderton, Senior Planner.

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM

BSC

DATE

4-20-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** FIRST AND ONLY READING PUBLIC HEARING - HISTORIC DESIGNATION

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE; AMENDING SECTION 118-593, "HISTORIC PRESERVATION DESIGNATION"; AMENDING SECTION 118-593(E), "DELINEATION ON ZONING MAP"; AMENDING SECTION 118-593(E)(2), "HISTORIC PRESERVATION DISTRICTS (HPD)" BY DESIGNATING THE FLAMINGO WATERWAY HISTORIC DISTRICT, CONSISTING OF A CERTAIN AREA WHICH IS GENERALLY BOUNDED BY THE CENTER LINE OF WEST 47<sup>TH</sup> STREET TO THE SOUTH, THE EASTERN RIGHT-OF-WAY LINE OF PINETREE DRIVE TO THE EAST, THE NORTHERN LOT LINE OF 4816 PINETREE DRIVE TO THE NORTH, THE WESTERN LOT LINE OF 353 WEST 47<sup>TH</sup> STREET TO THE WEST, AND THE EASTERN BULKHEAD LINES OF THE FLAMINGO WATERWAY AND LAKE SURPRISE TO THE NORTHWEST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING THAT THE CITY'S ZONING MAP SHALL BE AMENDED TO INCLUDE THE FLAMINGO WATERWAY HISTORIC DISTRICT; ADOPTING THE DESIGNATION REPORT ATTACHED HERETO AS APPENDIX "A"; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

### **RECOMMENDATION**

The Administration is requesting that the Mayor and City Commission adopt the proposed ordinance on first and only reading public hearing by designating the Flamingo Waterway Historic District.

### **BACKGROUND**

In September of 2003, the Planning Department received a request by local area residents to place an item on the agenda of the Historic Preservation Board at their next available meeting. This item of request was for the Historic Preservation Board to consider directing the Planning Department to proceed with the historic designation process for an area of the City generally located on the west side of Pinetree Drive between West 47<sup>th</sup> Street and 4816 Pinetree Drive as a possible historic district.

On September 9, 2003, the Historic Preservation Board unanimously approved a motion (7 to 0) to direct staff to schedule a special meeting of the Board in October of 2003, at which time the Board would consider directing staff to commence with the historic designation process for a possible local historic district in the multi-family residential area at West 47<sup>th</sup> Street and Pinetree Drive.

**Commission Memorandum of April 20, 2005**  
**First and Only Reading Public Hearing - Historic Designation**  
**Proposed Flamingo Waterway Historic District**  
**Page 2 of 8**

On October 22, 2003, the Historic Preservation Board unanimously approved a motion (6 to 0; 1 absence) to direct the Planning Department to proceed with research and prepare a preliminary evaluation and recommendation report for a possible historic district that is generally bounded by the center line of West 47<sup>th</sup> Street to the south, the eastern right-of-way line of Pinetree Drive to the east, the northern lot line of 4816 Pinetree Drive to the north, the western lot line of 353 West 47<sup>th</sup> Street to the West, and the eastern bulkhead lines of the Flamingo Waterway and Lake Surprise to the northwest (see attached **Map 1**).

On January 13, 2004, the Historic Preservation Board reviewed the preliminary evaluation report with recommendations prepared by the Planning Department relative to the designation of the proposed Flamingo Waterway Historic District. The Historic Preservation Board unanimously approved a motion (5 to 0; 2 absences) to direct staff to prepare a designation report and schedule a public hearing relative to the designation of this proposed historic district.

On December 9, 2004, the Planning Department hosted a courtesy public workshop in St. John's Methodist Church at 4760 Pinetree Drive within the proposed historic district. The focus of the community workshop was to discuss the possible historic designation of the Flamingo Waterway Historic District. About a dozen persons were in attendance at the meeting. There was a consensus of support for the designation of the proposed historic district; however, two attendees expressed a concern that historic designation may preclude the future ability to demolish their residential complex and construct a new structure above parking.

On December 14, 2004, the Historic Preservation Board reviewed the designation report and unanimously approved a motion (7 to 0) to recommend approval of the designation of the proposed Flamingo Waterway Historic District. At the same meeting, the Board approved a motion to reclassify the status of the Regency House apartments at 353 West 47<sup>th</sup> Street from "contributing" to "non-contributing."

On January 25, 2005, the Planning Board reviewed the designation report and unanimously approved a motion (5 to 0; 2 absences) to recommend approval of the designation of the proposed Flamingo Waterway Historic District.

**DESIGNATION PROCESS**

The designation report for a proposed historic district is required to be presented to the Historic Preservation Board and the Planning Board at separate public hearings. Following public input, the Historic Preservation Board votes on whether or not the proposed historic district meets the criteria listed in the Land Development Regulations of the City Code and transmits a recommendation on historic designation to the Planning Board and City Commission. If the Historic Preservation Board votes against the designation, no further action is required. If the Historic Preservation Board votes in favor of designation, the Planning Board reviews the designation report and formulates its own recommendation. The recommendations of both Boards, along with the designation report, are presented to the City Commission. Because in this instance the proposed ordinance involves an area of less than ten (10) contiguous acres, the City Commission must hold one (1) public hearing on the designation. Upon conclusion of the hearing, the City Commission can immediately adopt the ordinance with a 5/7 majority vote.

**RELATION TO ORDINANCE CRITERIA**

1. In accordance with Section 118-592 in the Land Development Regulations of the City Code, eligibility for historic designation is determined on the basis of compliance with the listed criteria set forth below.
  - (a) The Historic Preservation Board shall have the authority to recommend that properties be designated as historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites or historic districts if they are significant in the historical, architectural, cultural, aesthetic or archeological heritage of the city, the county, state or nation. Such properties shall possess an integrity of location, design, setting, materials, workmanship, feeling or association and meet at least one (1) of the following criteria:
    - (1) Association with events that have made a significant contribution to the history of the city, the county, state or nation;
    - (2) Association with the lives of persons significant in the city's past history;
    - (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;
    - (4) Possesses high artistic values;
    - (5) Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
    - (6) Have yielded, or are likely to yield information important in pre-history or history;
    - (7) Be listed in the National Register of Historic Places;
    - (8) Consist of a geographically definable area that possesses a significant concentration of sites, buildings or structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction.
  - (b) A building, structure (including the public portions of the interior), improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.
2. The proposed Flamingo Waterway Historic District is eligible for historic designation as it complies with the criteria as specified in Section 118-592 in the Land Development Regulations of the City Code outlined above.
  - (a) Staff finds the proposed historic district to be eligible for historic designation and in conformance with the designation criteria for the following reasons:
    - (1) **Association with events that have made a significant contribution to the history of the city, the county, state or nation;**

Several structures in the proposed historic district provide a tangible link to the 1920s Florida Boom, which nearly rivaled the California gold rush in its speculative frenzy. The Flamingo Waterway itself is a remnant of the dredging and land fill processes that literally created much of Miami Beach's land mass in its early history. Two 1926 apartment buildings are testimonials to the days of financial boom and investment when this neighborhood was newly annexed into the City of Miami Beach. The post-World War II apartment buildings reflect the increased demand for affordable housing in that era largely due to the benefits of the G.I. Bill and a once again booming economy.

**(2) Association with the lives of persons significant in the city's past history;**

This area is most closely connected to Carl G. Fisher, the prime developer of Miami Beach in the 1920s, whose Miami Beach Bay Shore Company dredged Lake Surprise and its waterways in 1923 and then platted this land for development in 1925. There is also an important connection with nationally-known business man and "dime-store" magnate Sebastian S. Kresge, who provided the property here for St. John's Methodist Church and its parsonage at 4760 and 4764 Pinetree Drive, respectively.

**(3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;**

This assemblage of eight contributing properties includes two Mediterranean Revival style apartment buildings that are typical of Florida architecture in the 1920s, and one example of a Mediterranean Revival-Art Deco Transitional residence from the 1930s. A majority of the buildings in the proposed historic district are prime examples of Post War Modern style apartment houses that were popularized here and elsewhere in Miami Beach with the societal and economic changes following World War II. Not only did building materials and forms undergo changes at this time, but the City also wrestled with zoning variances and later zoning district changes as the era of private estates gave way to multi-family housing for the middle-class.

**(4) Possess high artistic values;**

By definition, these neighborhood buildings are not grandiose, but they admirably reflect the artistic values and design influences of their times and accomplish their aim of providing comfortable and affordable housing with skill and charm. Detailed workmanship is found in all of these structures.

**(5) Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;**

The post-World War II era in architecture is now coming to be appreciated in South Florida and elsewhere in the nation. Its masters have not yet become household names, but Norman Giller, Gilbert Fein, Donald Reiff, and M. Tony

Sherman are among the best known locally and are well-represented by excellent works in the proposed historic district and elsewhere in Miami Beach. In addition, the district has buildings designed by Russell Pancoast, one of the City's best known architects from the 1930s; by Charles Inscho of Ohio; and by A. Hensel Fink, national architect for the Methodist Church in the 1950s.

**(6) Have yielded, or are likely to yield information important in pre-history or history;**

The proposed Flamingo Waterway Historic District is significant for its built environment and its association with the architectural and cultural history of Miami Beach. It possesses an array of architectural styles that collectively trace the historical progression of architectural design in Middle Beach from the mid 1920s to the early 1950s, from one land development boom to another. It includes both single and multi-family residences as well as a commercial building and religious facilities. These buildings were designed in the Mediterranean Revival, Med-Deco Transitional, and Post War Modern styles of architecture by some of the best-known local architects of the time. Besides the architecture, the Flamingo Waterway and Lake Surprise themselves date back to the literal construction of the Miami Beach landscape in the 1920s, and the buildings here chronicle the City's development as a desirable tropical resort and residential community over three decades.

**(7) Be listed in the National Register of Historic Places;**

Although this area is not presently listed in the National Register of Historic Places, it appears to have clear potential to be determined to be eligible for national historic designation.

**(8) Consist of a geographically definable area that possesses a significant concentration of sites, buildings or structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction;**

This area is a geographically distinct concentration of mostly apartment buildings that are located between two landmark features in Miami Beach: Pinetree Drive and the Flamingo Waterway. The eight contributing properties, built within only 27 years, provide an important concentration of historic architectural styles united by and addressing their waterfront locations in a unique way.

**(b) A building, structure (including the public portions of the interior), improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.**

Although a few of the buildings within the proposed Flamingo Waterway Historic District have been altered to various extents over the years, these structures retain a major amount of their original architectural design integrity and contribute to the special

character of the neighborhood. Exterior restoration could be successfully completed by following original architectural plans and available historical photographs and/or documentation. Despite existing alterations to these structures, they continue to be highly representative of the rich architectural and cultural history of Miami Beach.

**ANALYSIS OF THE AMENDING ORDINANCE**

In reviewing a request for an amendment to the Land Development Regulations of the City Code or a change in land use, the Planning Board shall consider the following:

1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.

Consistent - The proposed historic designation is consistent with the Comprehensive Plan, specifically with the Historic Preservation Element of the Comprehensive Plan's Objective No. 1, which states: "...increase the total number of structures designated as historically significant from that number of structures designated in 1988, either individually or as a contributing structure within a National Register Historic Preservation District or a local Historic Preservation District."

2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.

Consistent - The amendment would not change the underlying zoning district for any areas within the City.

3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Consistent - The designation of the area as a local historic district would help to encourage redevelopment and rehabilitation that is compatible with the scale, characteristics, and needs of the surrounding residential neighborhood and help to preserve the special architectural character of the historic built environment.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Consistent - The LOS for the area public facilities and infrastructure should not be negatively affected, if at all, by the proposed amending ordinance.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Consistent - The proposed Flamingo Waterway Historic District is a clearly delineated geographic entity that is united by its concentration of low-scale multi-family residences set within a predominately single-family neighborhood. The boundaries of the proposed historic district coincide with the RM-1, CD-1, and GU zoning districts in this area. The eastern and southern borders of the proposed historic district are defined by Pinetree Drive and West 47<sup>th</sup> Street, respectively. The Flamingo Waterway and Lake Surprise reinforce the natural northwestern border of the proposed historic district. A detailed description of the proposed boundaries is delineated within the attached Designation Report and amending Ordinance.

**Commission Memorandum of April 20, 2005**  
**First and Only Reading Public Hearing - Historic Designation**  
**Proposed Flamingo Waterway Historic District**  
**Page 7 of 8**

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Consistent - The success of historic preservation in the ongoing revitalization of Miami Beach supports the protection of the proposed historic district. Past demolition of historic structures demonstrates the necessity of this amendment to maintain the historical integrity of the area.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Consistent - The proposed amendment should not adversely influence living conditions or the quality of life for the surrounding properties. Indeed, the quality of living conditions in designated historic areas has significantly improved since the City started designating historic sites and districts. The thousands of Design Review approvals (both substantial rehabilitation and minor improvements) within the existing historic districts demonstrate this principle.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

Consistent - As historic designation does not change the permitted land uses, the levels of service set forth in the Comprehensive Plan will not be affected. Likewise, public safety will not be affected by historic designation.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistent - If historic designation results in the retention of existing structures, there should be no reduction in light and air either on site or to adjacent properties.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent - As property values and value of construction have historically increased in the existing historic sites and districts, there is no evidence to suggest that designation would adversely affect property values in the area surrounding the proposed historic designation. To the contrary, the designation of the historic district should help to reinforce and promote continuous quality enhancement of the area.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Consistent - The proposed amendment will not change the development regulations for adjacent properties, which must comply with their own site specific development regulations. Furthermore, the proposed ordinance should not affect the ability for an adjacent property to be developed in accordance with said regulations.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Consistent - The permitted land uses are not affected since the proposed amendment does not change the underlying zoning district for any property.



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**Proposed Flamingo Waterway Historic District**  
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13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not Applicable

**FISCAL IMPACT**

The proposed amending ordinance has no associated negative fiscal impact upon enactment.

**STAFF ANALYSIS**

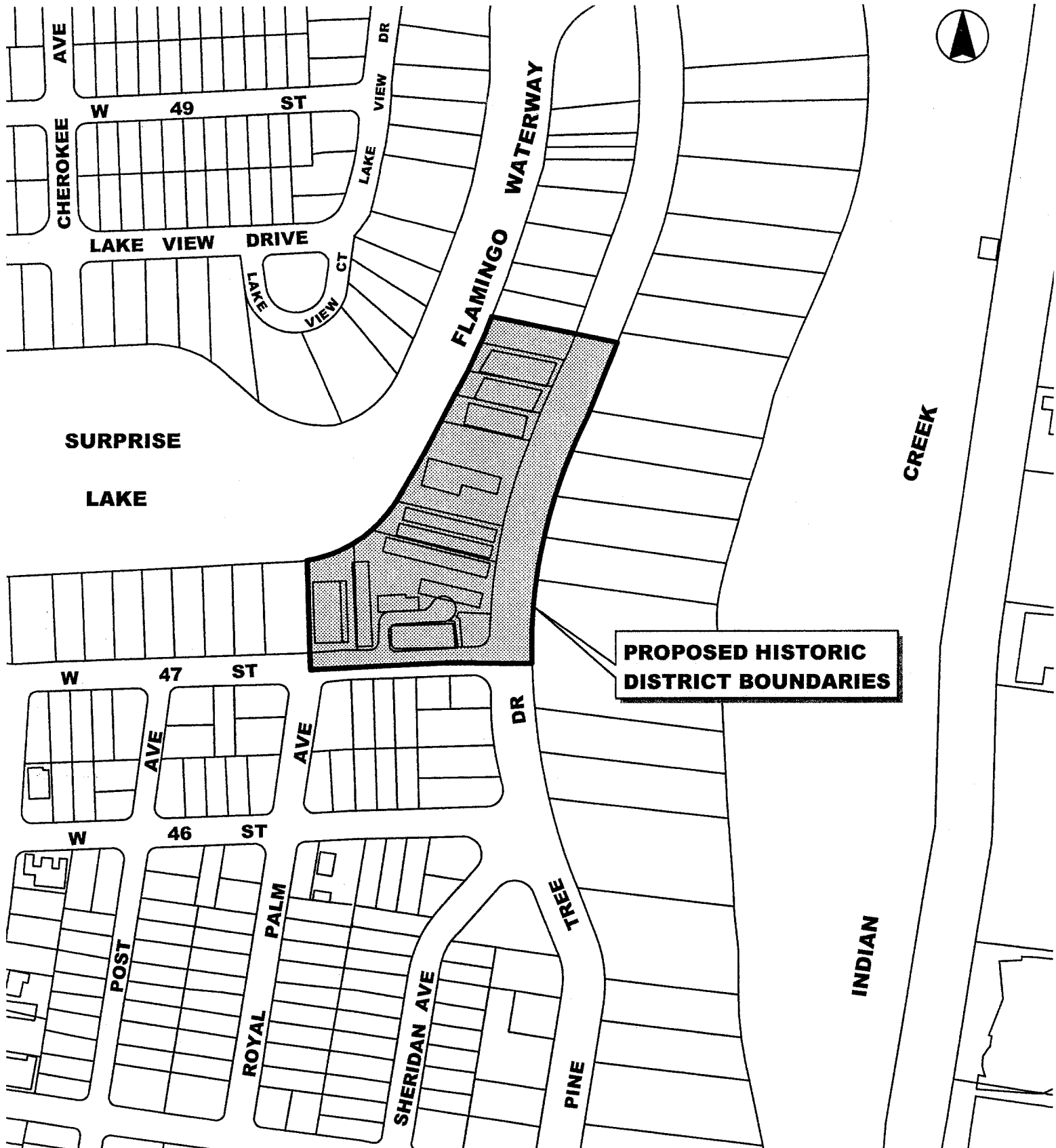
The proposed designation of the Flamingo Waterway Historic District is appropriate to protect the aesthetic, architectural, and historical importance of the residential neighborhood. The positive social and economic impact that preservation has had on the revitalization of Miami Beach is well known. Local residents, as well as visitors from around the world, are seeking the very special urban character of Miami Beach that the Planning Department seeks to preserve. Further, alterations are permitted to historic structures provided that the changes are found to be appropriate by the Historic Preservation Board.

Therefore, the Administration recommends that the Mayor and City Commission adopt the proposed ordinance on first and only reading public hearing by designating the Flamingo Waterway Historic District.

JMG:TH:JGG:WHC:SMA

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# MAP 1: PROPOSED FLAMINGO WATERWAY HISTORIC DISTRICT



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE MIAMI BEACH CITY CODE; AMENDING SECTION 118-593, "HISTORIC PRESERVATION DESIGNATION"; AMENDING SECTION 118-593(E), "DELINEATION ON ZONING MAP"; AMENDING SECTION 118-593(E)(2), "HISTORIC PRESERVATION DISTRICTS (HPD)" BY DESIGNATING THE FLAMINGO WATERWAY HISTORIC DISTRICT, CONSISTING OF A CERTAIN AREA WHICH IS GENERALLY BOUNDED BY THE CENTER LINE OF WEST 47<sup>TH</sup> STREET TO THE SOUTH, THE EASTERN RIGHT-OF-WAY LINE OF PINETREE DRIVE TO THE EAST, THE NORTHERN LOT LINE OF 4816 PINETREE DRIVE TO THE NORTH, THE WESTERN LOT LINE OF 353 WEST 47<sup>TH</sup> STREET TO THE WEST, AND THE EASTERN BULKHEAD LINES OF THE FLAMINGO WATERWAY AND LAKE SURPRISE TO THE NORTHWEST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING THAT THE CITY'S ZONING MAP SHALL BE AMENDED TO INCLUDE THE FLAMINGO WATERWAY HISTORIC DISTRICT; ADOPTING THE DESIGNATION REPORT ATTACHED HERETO AS APPENDIX "A"; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, on December 14, 2004, the City of Miami Beach Historic Preservation Board held a public hearing and voted unanimously (7 to 0) in favor of recommending that the Mayor and City Commission designate the Flamingo Waterway Historic District; and

**WHEREAS**, on January 25, 2005, the City of Miami Beach Planning Board held a public hearing and voted unanimously (5 to 0; 2 absences) in favor of the proposed designation of said historic district; and

**WHEREAS**, the City of Miami Beach Planning Department has recommended this amendment to the Land Development Regulations of the City Code; and

**WHEREAS**, these recommendations of approval for the designation of the Flamingo Waterway Historic District were based upon the information documented in the Designation Report prepared by the City of Miami Beach Planning Department attached hereto as Appendix "A".

**NOW THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1. DESIGNATION OF THE FLAMINGO WATERWAY HISTORIC DISTRICT.**

Those certain areas which are generally bounded by the center line of West 47<sup>th</sup> Street to the south, the eastern right-of-way line of Pinetree Drive to the east, the northern lot line of 4816 Pinetree Drive to the north, the western lot line of 353 West 47<sup>th</sup> Street to

the west, and the eastern bulkhead lines of the Flamingo Waterway and Lake Surprise to the northwest; and having the legal description as described herein, are hereby designated as an Historic District of the City of Miami Beach and shall be known as the "Flamingo Waterway Historic District." That the Designation Report attached hereto as Appendix "A" is hereby adopted.

## **SECTION 2. AMENDMENT OF SECTION 118-593 OF THE CITY CODE.**

That Chapter 118, Section 118-593 entitled "Historic Preservation Designation" of the Land Development Regulations of the City Code of Miami Beach, Florida, is hereby amended to read as follows:

\* \* \*

- (e) Delineation on zoning map. All sites and districts designated as historic sites and districts shall be delineated on the city's zoning map, pursuant to section 142-71, as an overlay district. Such sites and districts include:

\* \* \*

- (2) Historic preservation districts (HPD).

\* \* \*

- k. RM-1, CD-1, GU/HPD-11: The boundaries of the Flamingo Waterway Historic District commence at the point of intersection of the center line of West 47<sup>th</sup> Street and the eastern right-of-way line of Pinetree Drive, as shown in the LAKE VIEW SUBDIVISION, recorded in Plat Book 14, at Page 42, Public Records of Miami-Dade County, Florida. Said point being the POINT OF BEGINNING of the tract of land herein described; thence run northerly, along the eastern right-of-way line of said Pinetree Drive to the point of intersection with the easterly extension of the north line of Lot 20, Block 32, of the above mentioned LAKE VIEW SUBDIVISION; thence run westerly, along the north line of said Lot 20 to the point of intersection with the eastern bulkhead line of the Flamingo Waterway; thence run southwesterly, along the eastern bulkhead lines of the Flamingo Waterway and Lake Surprise to a point. Said point being located 35.07 feet west (measured at a right angle) of the east line

of Lot 11, Block 32, of the above mentioned LAKE VIEW SUBDIVISION; thence run southerly, along a line parallel and 35.07 feet west (measured at a right angle) of the east line of said Lot 11, and its southerly extension to the point of intersection with the center line of West 47<sup>th</sup> Street; thence run easterly, along the center line of said West 47<sup>th</sup> Street to the POINT OF BEGINNING. Said lands located, lying and being in the City of Miami Beach, Miami-Dade County, Florida.

\* \* \*

**SECTION 3. INCLUSION IN THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE.**

It is the intention of the Mayor and City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Land Development Regulations of the City Code of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "Ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 4. AMENDMENT OF ZONING MAP.**

That the Mayor and City Commission hereby amend the Zoning Map of the City of Miami Beach as contained in the Land Development Regulations of the City Code by identifying the area described herein as HPD-11, Historic Preservation District Eleven.

**SECTION 5. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 6. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM & LANGUAGE  
& FOR EXECUTION:**

  
\_\_\_\_\_  
**CITY ATTORNEY** 

4-4-05  
\_\_\_\_\_  
**DATE**

Underscore denotes new language.

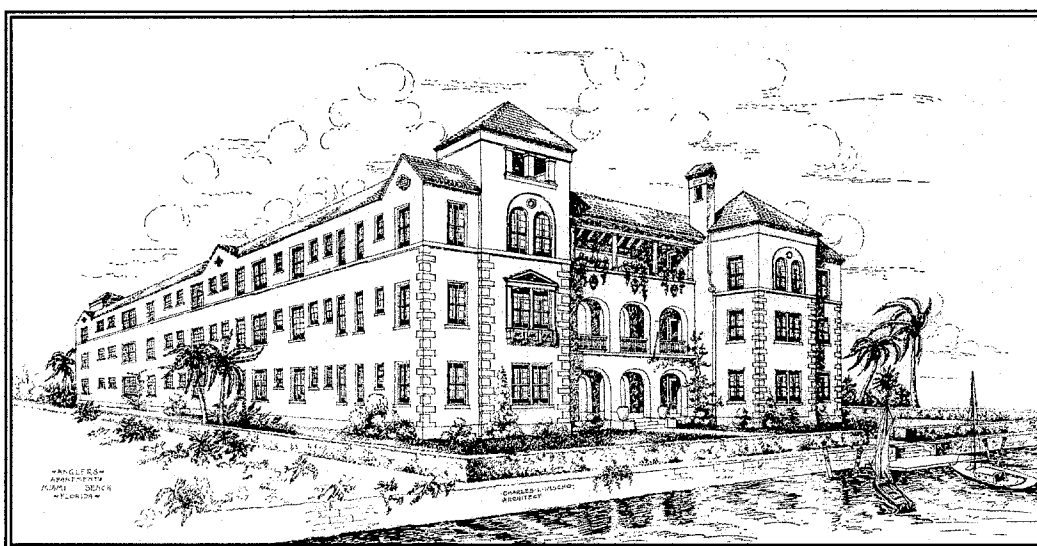
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# FLAMINGO WATERWAY

## HISTORIC DISTRICT

### DESIGNATION REPORT



*Architect Charles L. Inscho's rendering of the Anglers Apartments, built in 1926 at 4812 Pinetree Drive, shows the Flamingo Waterway right outside the back door.*

PREPARED BY

CITY OF MIAMI BEACH PLANNING DEPARTMENT

DECEMBER 14, 2004

Revised January 25, 2005

Revised April 20, 2005

**CITY OF MIAMI BEACH**  
**HISTORIC DISTRICT DESIGNATION REPORT**  
**FLAMINGO WATERWAY HISTORIC DISTRICT**

**PREPARED BY**  
**CITY OF MIAMI BEACH PLANNING DEPARTMENT**

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Luis R. Garcia, Jr., Vice Mayor

**Commissioners:**

Matti Herrera Bower  
Simon Cruz  
Saul Gross  
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Jorge M. Gonzalez, City Manager



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**FLAMINGO WATERWAY HISTORIC DISTRICT**  
**CITY OF MIAMI BEACH**  
**HISTORIC DISTRICT DESIGNATION REPORT**

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## I. REQUEST

In September of 2003, the Planning Department received a request by local area residents to place an item on the agenda of the Historic Preservation Board at their next available meeting. This item of request was for the Historic Preservation Board to consider directing the Planning Department to proceed with the historic designation process for an area of the City generally located on the west side of Pinetree Drive between West 47<sup>th</sup> Street and 4816 Pinetree Drive as a possible historic district.

On September 9, 2003, the Historic Preservation Board unanimously approved a motion (7 to 0) to direct staff to schedule a special meeting of the Board in October of 2003, at which time the Board would consider directing staff to commence with the historic designation process for a possible local historic district in the multi-family residential area at West 47<sup>th</sup> Street and Pinetree Drive.

On October 22, 2003, the Historic Preservation Board unanimously approved a motion (6 to 0; 1 absence) to direct the Planning Department to proceed with research and prepare a preliminary evaluation and recommendation report for a possible historic district that is generally bounded by the center line of West 47<sup>th</sup> Street to the south, the eastern right-of-way line of Pinetree Drive to the east, the northern lot line of 4816 Pinetree Drive to the north, the western lot line of 353 West 47<sup>th</sup> Street to the West, and the eastern bulkhead lines of the Flamingo Waterway and Lake Surprise to the northwest (see **Map 1**).

On January 13, 2004, the Historic Preservation Board reviewed the preliminary evaluation report with recommendations prepared by the Planning Department relative to the designation of the proposed Flamingo Waterway Historic District. The Historic Preservation Board unanimously approved a motion (5 to 0; 2 absences) to direct staff to prepare a designation report and schedule a public hearing relative to the designation of this proposed historic district.

On December 9, 2004, the Planning Department hosted a courtesy public workshop in St. John's Methodist Church at 4760 Pinetree Drive within the proposed historic district. The focus of the community workshop was to discuss the possible historic designation of the Flamingo Waterway Historic District. About a dozen persons were in attendance at the meeting. There was a consensus of support for the designation of the proposed historic district; however, two attendees expressed a concern that historic designation may preclude the future ability to demolish their residential complex and construct a new structure above parking.

On December 14, 2004, the Historic Preservation Board reviewed the designation report and unanimously approved a motion (7 to 0) to recommend approval of the designation of the proposed Flamingo Waterway Historic District. At the same meeting, the Board approved a motion to reclassify the status of the Regency House apartments at 353 West 47<sup>th</sup> Street from "contributing" to "non-contributing."

On January 25, 2005, the Planning Board reviewed the designation report and unanimously approved a motion (5 to 0; 2 absences) to recommend approval of the designation of the proposed Flamingo Waterway Historic District.

## **II. DESIGNATION PROCESS**

The process of historic designation is delineated in Sections 118-591 through 118-593 in Subpart B of the Land Development Regulations of the City Code (Chapter 118, Article X, Division 4). An outline of this process is delineated below.

Step One: A request for designation is made either by the City Commission, the Historic Preservation Board, other agencies and organizations as listed in the Land Development Regulations of the City Code, or the property owners involved. Proposals for designation shall include a completed application form available from the Planning Department.

Step Two: The Planning Department prepares a preliminary evaluation report with recommendations for consideration by the Board.

Step Three: The Historic Preservation Board considers the preliminary evaluation to determine if proceeding with a designation report is warranted.

The designation report is an historical and architectural analysis of the proposed district or site. The report:

- 1) describes the historic, architectural and/or archeological significance of the property or subject area proposed for Historical Site or District designation;
- 2) recommends Evaluation Guidelines to be used by the Board to evaluate the appropriateness and compatibility of proposed Developments affecting the designated Site or District; and
- 3) will serve as an attachment to the Land Development Regulations of the City Code.

Step Four: The designation report is presented to the Board at a public hearing. If the Board determines that the proposed site or district satisfies the requirements for designation as set forth in the Land Development Regulations of the City Code, the Board transmits a recommendation in favor of designation to the Planning Board and City Commission.

Step Five: The Planning Board will hold a public hearing on the proposed designation, and shall consider the proposed historic designation as an

amendment to the Land Development Regulations of the City Code and, subsequently, transmit its recommendation to the City Commission.

Step Six: The City Commission may adopt an amendment to the Land Development Regulations of the City Code which thereby designates the Historic Preservation Site or Historic District after one (1) public hearing for a parcel of land less than ten (10) contiguous acres or after two (2) public hearings for a parcel of land which is more than ten (10) contiguous acres.

### **III. RELATION TO ORDINANCE CRITERIA**

1. In accordance with Section 118-592 in the Land Development Regulations of the City Code, eligibility for designation is determined on the basis of compliance with the listed criteria set forth below.

(a) The Historic Preservation Board shall have the authority to recommend that properties be designated as historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites or historic districts if they are significant in the historical, architectural, cultural, aesthetic or archeological heritage of the city, the county, state or nation. Such properties shall possess an integrity of location, design, setting, materials, workmanship, feeling or association and meet at least one (1) of the following criteria:

- (1) Association with events that have made a significant contribution to the history of the city, the county, state or nation;
- (2) Association with the lives of persons significant in the city's past history;
- (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;
- (4) Possesses high artistic values;
- (5) Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
- (6) Have yielded, or are likely to yield information important in pre-history or history;
- (7) Be listed in the National Register of Historic Places;

- (8) Consist of a geographically definable area that possesses a significant concentration of sites, buildings or structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction.
  - (b) A building, structure (including the public portions of the interior), improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.
2. The proposed Flamingo Waterway Historic District is eligible for historic designation as it complies with the criteria as specified in Section 118-592 in the Land Development Regulations of the City Code outlined above.
- (a) Staff finds the proposed historic district to be eligible for historic designation and in conformance with the designation criteria for the following reasons:

(1) **Association with events that have made a significant contribution to the history of the city, the county, state or nation;**

Several structures in the proposed historic district provide a tangible link to the 1920s Florida Boom, which nearly rivaled the California gold rush in its speculative frenzy. The Flamingo Waterway itself is a remnant of the dredging and land fill processes that literally created much of Miami Beach's land mass in its early history. Two 1926 apartment buildings are testimonials to the days of financial boom and investment when this neighborhood was newly annexed into the City of Miami Beach. The post-World War II apartment buildings reflect the increased demand for affordable housing in that era largely due to the benefits of the G.I. Bill and a once again booming economy.

(2) **Association with the lives of persons significant in the city's past history;**

This area is most closely connected to Carl G. Fisher, the prime developer of Miami Beach in the 1920s, whose Miami Beach Bay Shore Company dredged Lake Surprise and its waterways in 1923 and then platted this land for development in 1925. There is also an important connection with nationally-known business man and "dime-store" magnate Sebastian S. Kresge, who provided the property here for St. John's Methodist Church and its parsonage at 4760 and 4764 Pinetree Drive, respectively.

(3) **Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;**

This assemblage of eight contributing properties includes two Mediterranean Revival style apartment buildings that are typical of Florida architecture in the 1920s, and one example of a Mediterranean Revival-Art Deco Transitional residence from the 1930s. A majority of the buildings in the proposed historic district are prime examples of Post War Modern style apartment houses that were popularized here and elsewhere in Miami Beach with the societal and economic changes following World War II. Not only did building materials and forms undergo changes at this time, but the City also wrestled with zoning variances and later zoning district changes as the era of private estates gave way to multi-family housing for the middle-class.

(4) **Possess high artistic values;**

By definition, these neighborhood buildings are not grandiose, but they admirably reflect the artistic values and design influences of their times and accomplish their aim of providing comfortable and affordable housing with skill and charm. Detailed workmanship is found in all of these structures.

(5) **Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;**

The post-World War II era in architecture is now coming to be appreciated in South Florida and elsewhere in the nation. Its masters have not yet become household names, but Norman Giller, Gilbert Fein, Donald Reiff, and M. Tony Sherman are among the best known locally and are well-represented by excellent works in the proposed historic district and elsewhere in Miami Beach. In addition, the district has buildings designed by Russell Pancoast, one of the City's best known architects from the 1930s; by Charles Inscho of Ohio; and by A. Hensel Fink, national architect for the Methodist Church in the 1950s.

(6) **Have yielded, or are likely to yield information important in pre-history or history;**

The proposed Flamingo Waterway Historic District is significant for its built environment and its association with the architectural and cultural history of Miami Beach. It possesses an array of

architectural styles that collectively trace the historical progression of architectural design in Middle Beach from the mid 1920s to the early 1950s, from one land development boom to another. It includes both single and multi-family residences as well as a commercial building and religious facilities. These buildings were designed in the Mediterranean Revival, Med-Deco Transitional, and Post War Modern styles of architecture by some of the best-known local architects of the time. Besides the architecture, the Flamingo Waterway and Lake Surprise themselves date back to the literal construction of the Miami Beach landscape in the 1920s, and the buildings here chronicle the City's development as a desirable tropical resort and residential community over three decades.

**(7) Be listed in the National Register of Historic Places;**

Although this area is not presently listed in the National Register of Historic Places, it appears to have clear potential to be determined to be eligible for national historic designation.

**(8) Consist of a geographically definable area that possesses a significant concentration of sites, buildings or structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction;**

This area is a geographically distinct concentration of mostly apartment buildings that are located between two landmark features in Miami Beach: Pinetree Drive and the Flamingo Waterway. The eight contributing properties, built within only 27 years, provide an important concentration of historic architectural styles united by and addressing their waterfront locations in a unique way.

**(b) A building, structure (including the public portions of the interior), improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.**

Although a few of the buildings within the proposed Flamingo Waterway Historic District have been altered to various extents over the years, these structures retain a major amount of their original architectural design integrity and contribute to the special character of the neighborhood. Exterior restoration could be successfully completed by following original architectural plans and available historical photographs



and/or documentation. Despite existing alterations to these structures, they continue to be highly representative of the rich architectural and cultural history of Miami Beach.

#### **IV. DESCRIPTION OF BOUNDARIES**

The proposed Flamingo Waterway Historic District is generally bounded by the center line of West 47<sup>th</sup> Street to the south, the eastern right-of-way line of Pinetree Drive to the east, the northern lot line of 4816 Pinetree Drive to the north, the western lot line of 353 West 47<sup>th</sup> Street to the West, and the eastern bulkhead lines of the Flamingo Waterway and Lake Surprise to the northwest (see **Map 1**). A detailed legal description of the boundaries for the proposed historic district is provided below.

The boundaries of the Flamingo Waterway Historic District commence at the point of intersection of the center line of West 47<sup>th</sup> Street and the eastern right-of-way line of Pinetree Drive, as shown in the LAKE VIEW SUBDIVISION, recorded in Plat Book 14, at Page 42, Public Records of Miami-Dade County, Florida. Said point being the POINT OF BEGINNING of the tract of land herein described; thence run northerly, along the eastern right-of-way line of said Pinetree Drive to the point of intersection with the easterly extension of the north line of Lot 20, Block 32, of the above mentioned LAKE VIEW SUBDIVISION; thence run westerly, along the north line of said Lot 20 to the point of intersection with the eastern bulkhead line of the Flamingo Waterway; thence run southwesterly, along the eastern bulkhead lines of the Flamingo Waterway and Lake Surprise to a point. Said point being located 35.07 feet west (measured at a right angle) of the east line of Lot 11, Block 32, of the above mentioned LAKE VIEW SUBDIVISION; thence run southerly, along a line parallel and 35.07 feet west (measured at a right angle) of the east line of said Lot 11, and its southerly extension to the point of intersection with the center line of West 47<sup>th</sup> Street; thence run easterly, along the center line of said West 47<sup>th</sup> Street to the POINT OF BEGINNING. Said lands located, lying and being in the City of Miami Beach, Miami-Dade County, Florida.

The location of these boundaries has been determined through careful investigation and research of building records and historical documentation. They define a geographic area which possesses a significant concentration of historic buildings.

#### **V. PRESENT OWNERS**

The property located within the boundaries of the proposed Flamingo Waterway Historic District is held by multiple owners.

## **VI. PRESENT USE**

The current use within the boundaries of the proposed historic district is predominately multi-family with apartment buildings, condominiums, and co-operatives. Other current uses represented in the district include a religious facility, a mixed-use building, two private parking lots, and a municipal parking lot.

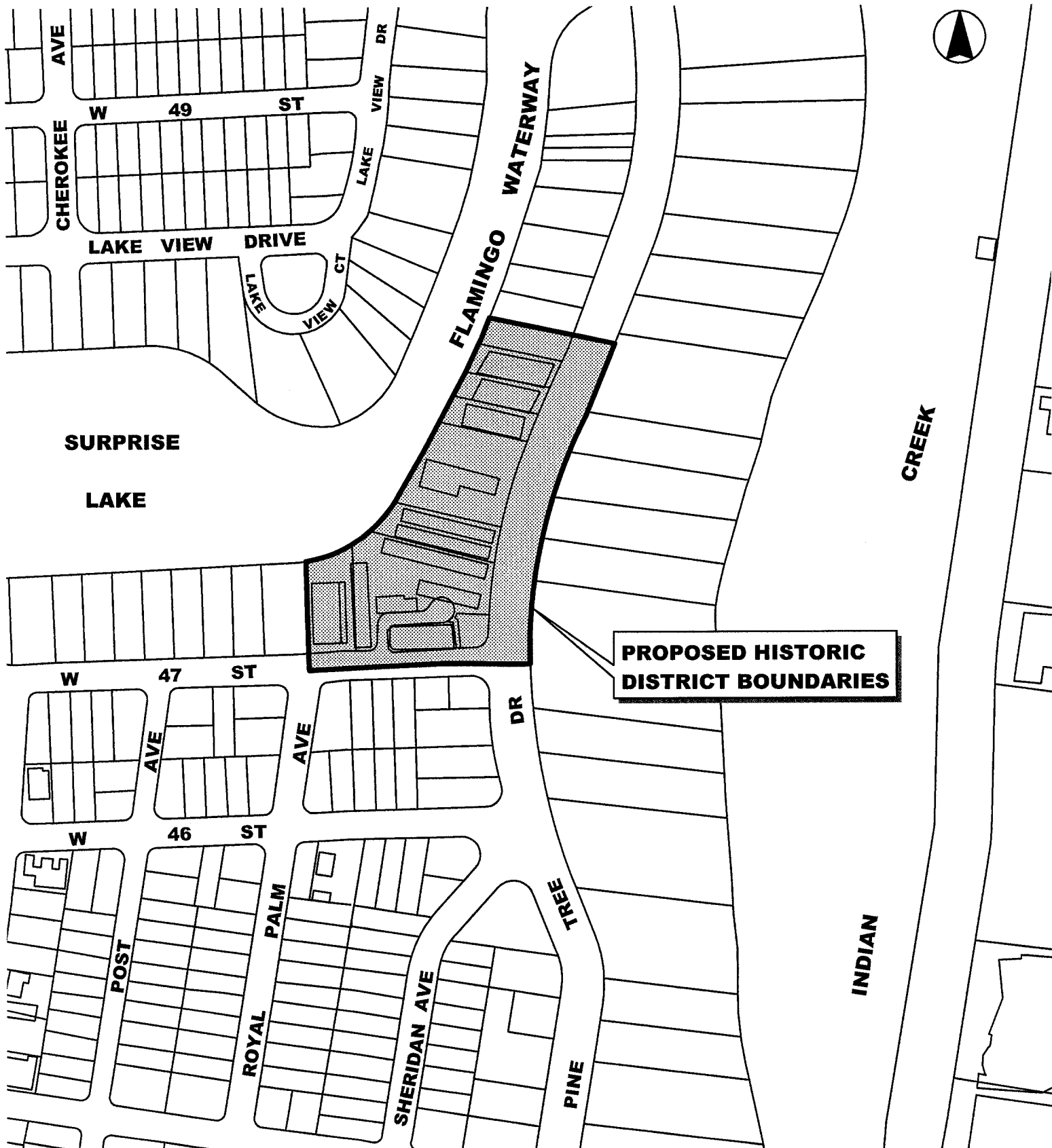
## **VII. PRESENT ZONING**

The established zoning districts within the boundaries of the proposed Flamingo Waterway Historic District are as follows:

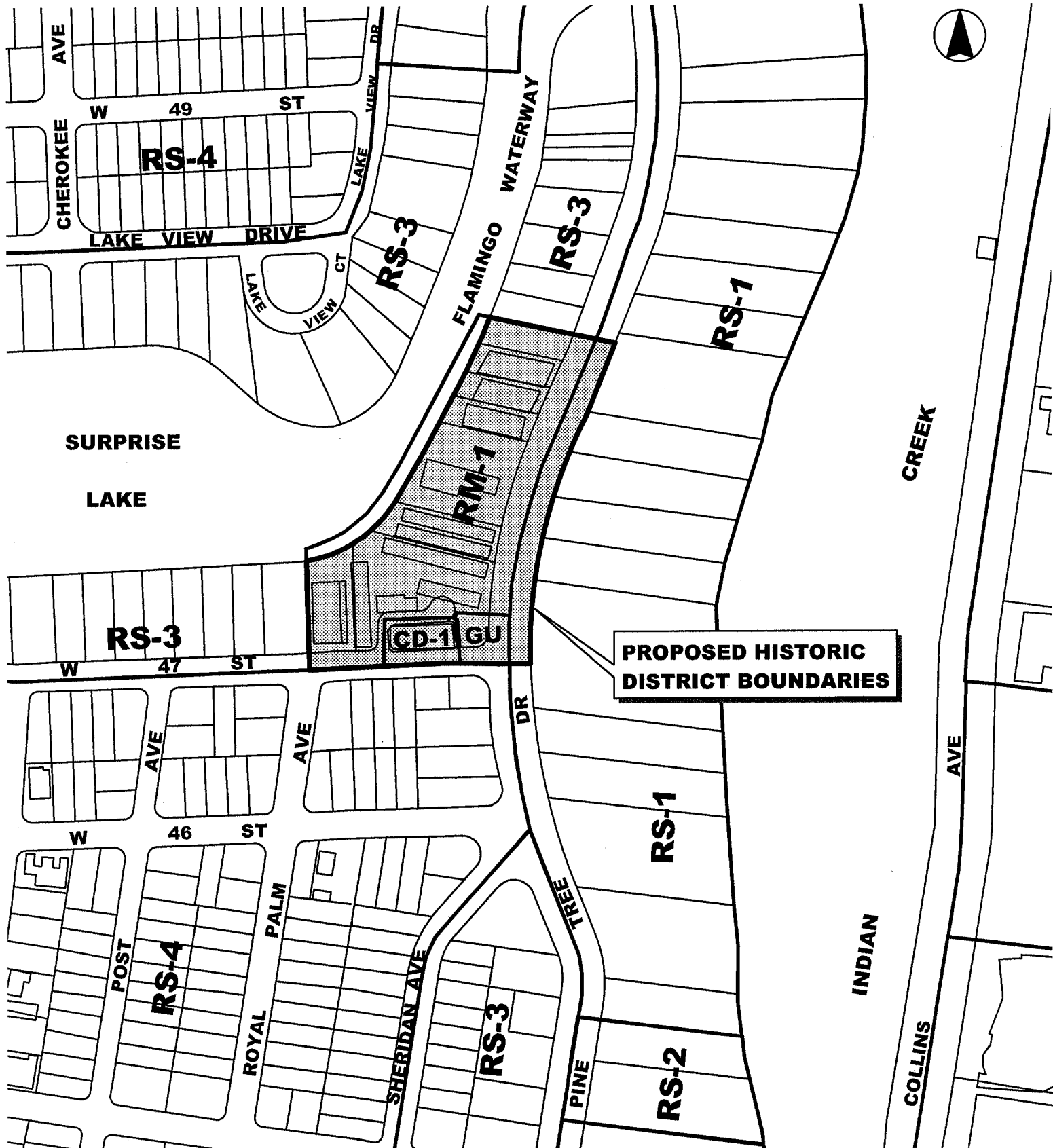
RM-1	Multi-Family, Low Intensity
CD-1	Commercial, Low Intensity
GU	Government Use

These zoning districts coincide with the boundaries of the proposed historic district. Please refer to the zoning map for more detailed information (**Map 2**).

# MAP 1: PROPOSED FLAMINGO WATERWAY HISTORIC DISTRICT



# **MAP 2: ZONING DISTRICTS WITHIN THE BOUNDARIES OF THE PROPOSED FLAMINGO WATERWAY HISTORIC DISTRICT AND THE SURROUNDING AREAS**

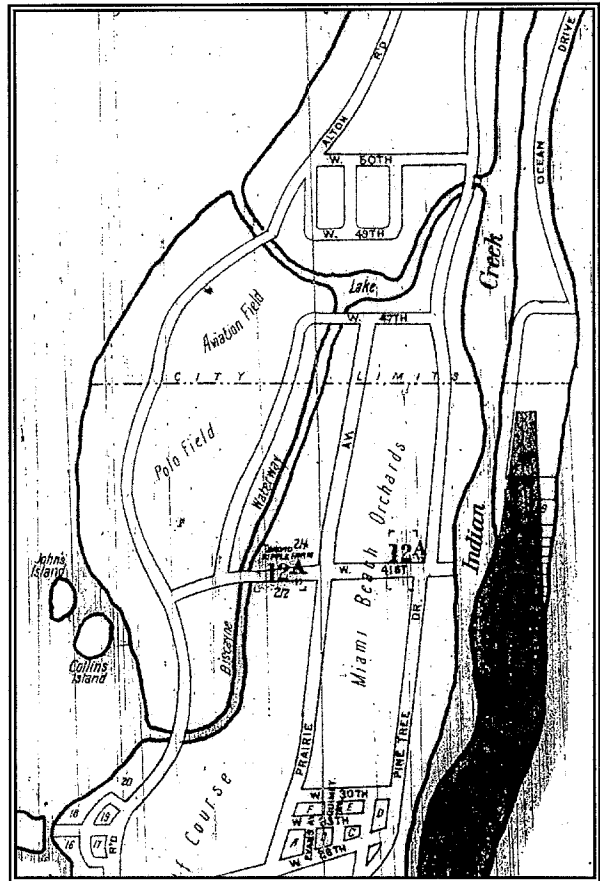


## VIII. HISTORICAL BACKGROUND

The proposed Flamingo Waterway Historic District consists of eight contributing properties along Pinetree Drive and West 47<sup>th</sup> Street in the Lake View Subdivision. They line the eastern bank of the Flamingo Waterway, which leads from Lake Surprise to Indian Creek. The lake, waterway, and Pinetree Drive itself are all intimately tied into Miami Beach's early history. In addition, this small collection of buildings, constructed between 1926 and 1953, provides a sample of residential, commercial and institutional architecture in Miami Beach in the prime years of its development.

**Early Development.** Even before Miami Beach was incorporated as a town in 1915, most of the arable land west of Indian Creek and north of present-day 23rd Street was cultivated by Miami Beach pioneer and horticulturist John S. Collins of Moorestown, New Jersey. Pinetree Drive was originally Collins' farm road and was named for the Australian Pine trees he planted as a windbreak to protect his plantings. (A portion of the Pinetree Drive roadway between 30<sup>th</sup> Street and 46<sup>th</sup> Street was designated as a local historic site in 2001.)

In addition to agriculture, Collins and his family, who had joined him in Florida, founded the Miami Beach Improvement Company in 1912 to venture into real estate development. Although interrupted by World War I, the Collins/Pancoast family's vision of Miami Beach as a seaside resort began to take shape in the 1920s as part of the great "Florida Boom." During that decade, the population of Miami Beach increased tenfold,<sup>1</sup> the County and Venetian Causeways were built across Biscayne Bay, grand hotels and luxurious winter estates sprang up along the shorelines, and the real estate market was in a frenzy. John Collins' first love, agriculture, finally gave way to the development trend. By 1926, as he neared the age of 90,



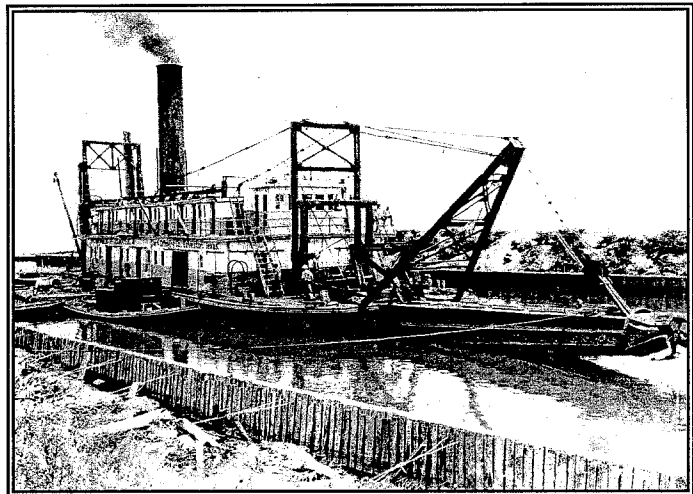
**Figure 1** This 1921 Sanborn map shows the original city limits of Miami Beach near 46<sup>th</sup> Street. Here the Biscayne Waterway is identified, but Lake Surprise and its other two waterways are not yet named. The proposed historic district is situated north of West 47<sup>th</sup> Street on the west side of Pinetree Drive. John Collins' farmland, the Miami Beach Orchards, is seen to the south.

<sup>1</sup> Keith Root, *Miami Beach Art Deco Guide*, Miami Design Preservation League, 1987, pp. 20 and 26.

Collins platted his former farmland between 30th and 45th Streets as the four "Orchard" subdivisions.

At the time of Miami Beach's incorporation in 1915, the northern city limits were set along the midline of State-surveyed Sections 22 and 23 near present-day 46th Street (see **Figure 1**). The area encompassed by the proposed historic district did not become a part of Miami Beach until July 1, 1924, when the city limits were extended to their present location at 87th Terrace. This action immediately doubled the City's territory.

Another important part of Miami Beach's early growth was the literal creation of new real estate by dredging and bulkheading the shallows of Biscayne Bay and the inland waterways. Carl Fisher and the Lummus brothers began filling in the bayfront in South Beach in 1913. Besides digging the Collins Canal, the Collins/Pancoast family dredged Lake Pancoast, a natural marshland, at about the same time. A swampy Bull's Island was filled in with dredged material in 1913 and was renamed Belle Isle a year later. Star Island was created around 1918, followed by Monument, Palm and Hibiscus Islands, the remaining Venetian Isles, LaGorce, Allison, and the four Sunset Islands. Normandy Isle was a natural landmass that was filled in by dredges about 1924.



**Figure 2** This 1923 photograph by Claude Matlack is labeled, "The 'Norman Davis' suction dredge in the canal leading into Surprise Lake." It is not known which of the lake's three waterways is seen here.

As part of these efforts, Lake Surprise and its three waterways (Surprise, Biscayne, and Flamingo) were dredged in the summer of 1923 (see **Figure 2**). A letter to Carl Fisher from the Clark Dredging Company of Galveston, Texas, dated August 9, 1923, gives the following progress report:

*All of Surprise Waterway and Biscayne Waterway are completed. Both of these jobs were considered the slowest part of the work. The dredge "Davis" should complete Lake Surprise this month and Flamingo Waterway during September.<sup>2</sup>*

Carl Fisher's Miami Beach Bay Shore Company platted the Beach View Subdivision, just north of the Flamingo Waterway, in 1924 and the Lake View Subdivision,

<sup>2</sup> Historical Museum of Southern Florida, Carl Fisher Papers, Dredging File, 9 August 1923.

flanking the Flamingo Waterway, in 1925.<sup>3</sup> The plat of the Lake View Subdivision was signed on March 3, 1925, by W.A. Kohlhepp, company vice-president, and C.W. Chase, Jr., secretary.<sup>4</sup> Just four days later, the Allison Island drawbridge was dedicated; it connected both Pinetree Drive and Alton Road to the oceanfront at 63rd Street. This event had an important effect on the development of the Lake Surprise area. It provided increased accessibility to the beach, since the bridge over Indian Creek at 41st Street had not yet been built. On March 6, 1925, the Miami Daily News proclaimed:

*The Allison Island bridge is probably one of the most important developments of Miami Beach. It will not only serve the vast area of residential property north of [the] Collins canal, including the new Fisher sub-divisions north of Surprise Lake, but will furnish a direct route from the causeway to the north ocean front via Alton Road and 63rd Street. It is the only connection with the ocean from the mainland, north of 23rd Street, where a small bridge crosses the Collins canal.*<sup>5</sup>

There are several indications that the area around Lake Surprise was originally envisioned for hotel development. Carl Fisher built his King Cole Hotel on the lake's western shore in 1925 (now the site of the Miami Heart Institute). In addition, minutes of the Zoning Board of Adjustment from 1944 state that a large lot in Block 31 of the Lake View Subdivision, at the northeastern corner of Lake Surprise, was "originally plotted to be used for a hotel site, but under the original zoning of the city in 1930 it was classified in a single-family estate district."<sup>6</sup> This change in intention from hotel to residential use may have been due to the collapse of the Florida Boom following the great hurricane of 1926.

The properties in the proposed Flamingo Waterway Historic District are situated on Lots 11 through 20 of Block 32 in the Lake View Subdivision. This block originally had 29 lots that wrapped around the southeastern corner of Lake Surprise. At the time the subdivision was filed for record on April 14, 1925, Lot 13 of Block 32 encompassed a large area at the northwestern corner of Pinetree Drive and West 47<sup>th</sup> Street.<sup>7</sup> (West 47<sup>th</sup> Court did not exist at that time.) It is possible that this site, like the other large lot across the waterway, may have been considered for the development of a hotel. However, on February 9, 1926, the Miami Beach Bay Shore Company filed for record a new plat which subdivided Lot 13 into 13 smaller lots. In the following month, a building permit was issued for the Community Center Apartments (now the Berwick Building) to be constructed on five of these

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<sup>3</sup> Atlas of Miami Beach to Golden Beach, Florida (Ft. Lauderdale, Florida: Frank B. Dolph, 1944), plate 12.

<sup>4</sup> City of Miami Beach, Public Works Department, plat 47A, "Lake View Subdivision," Miami Beach Bay Shore Company, filed for record 14 April 1925, Plat Book 14, Page 42, in Dade County, Florida.

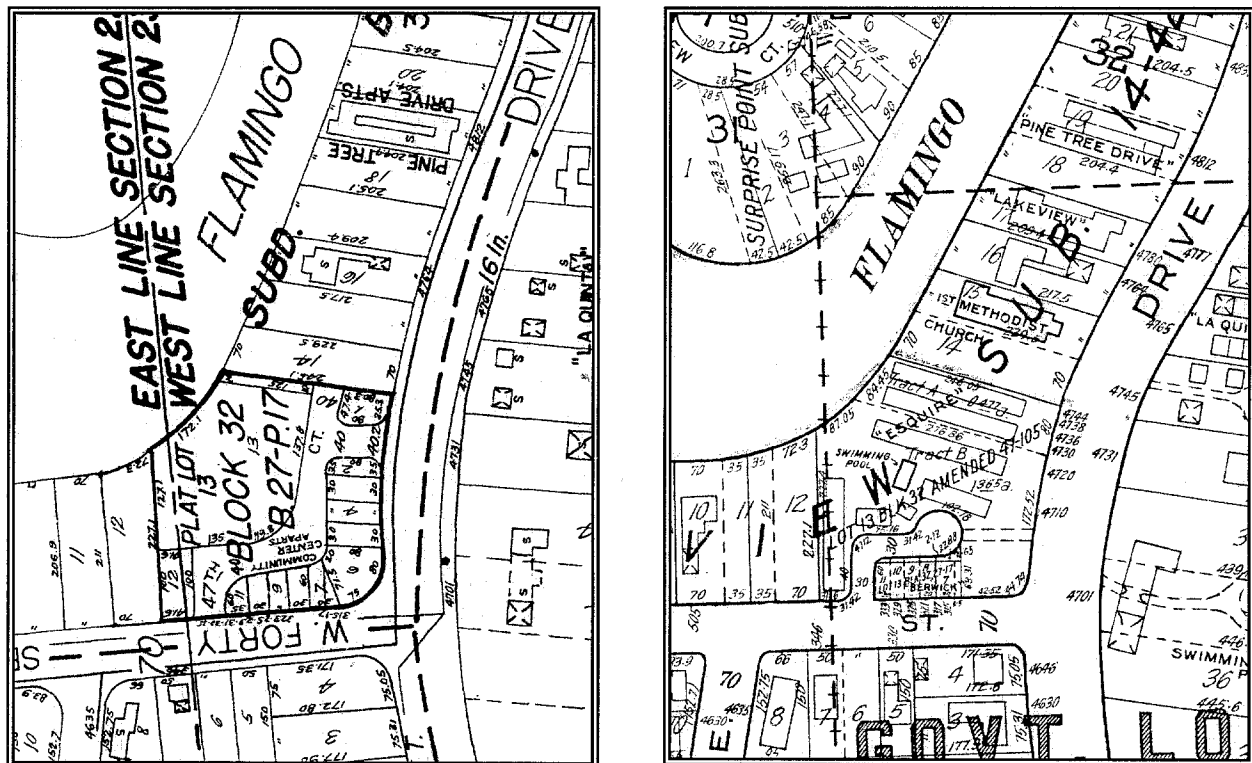
<sup>5</sup> "Allison Island Span is Ready for Dedication," Miami Daily News, 6 March 1925, p. 23.

<sup>6</sup> City of Miami Beach, Planning Department, Zoning Board of Adjustment, Minutes, 18 December 1944.

<sup>7</sup> City of Miami Beach, Public Works Department, plat 47A, "Lake View Subdivision," Miami Beach Bay Shore Company, filed for record 14 April 1925, Plat Book 14, Page 42, in Dade County, Florida.

smaller lots. The replatting of Lot 13 also created West 47th Court as a through-street that extended north to Lot 14 and opened onto both West 47th Street and Pinetree Drive.<sup>8</sup> There is evidence in a 1941 aerial photograph that West 47th Court did in fact originally have this configuration, although it was not paved.<sup>9</sup>

The eight other subdivided lots from the original Lot 13 were again replatted on November 25, 1947, by Gebhard Jaeger and his wife Rose, to form "Tract A" and "Tract B." Esquire House and the Lighthouse Apartments now stand on these tracts. This 1947 plat amendment also truncated 47th Court to form a cul-de-sac.<sup>10</sup> (See Figures 3 and 4.)



Figures 3 and 4 These City atlas maps from 1935 (Figure 3, left) and 1952 (Figure 4, right) show the evolution of the area at the northwestern corner of West 47th Street and Pinetree Drive. The properties in the proposed historic district are situated on Lots 11 through 20 of Block 32 in the Lake View Subdivision (platted in 1925). Notice the change in West 47th Court from a winding lane to a cul-de-sac. The very large Lot 13 in this block was first parceled into 13 smaller lots in 1926 (see 1935 map, left), and some of these lots were later reconfigured as Tracts A and B in 1947 (see 1952 map, right). Also, the 1935 map shows only three buildings in the area of the proposed historic district: the Community Center Apartments, the house at 4764 Pinetree Drive, and the Pinetree Drive Apartments (originally the Anglers). In comparison, most of the structures in the district area are visible in the 1952 map, with the exception of the apartment houses at 4800 Pinetree and 353 West 47th Street (later built in 1953 and 1962, respectively).

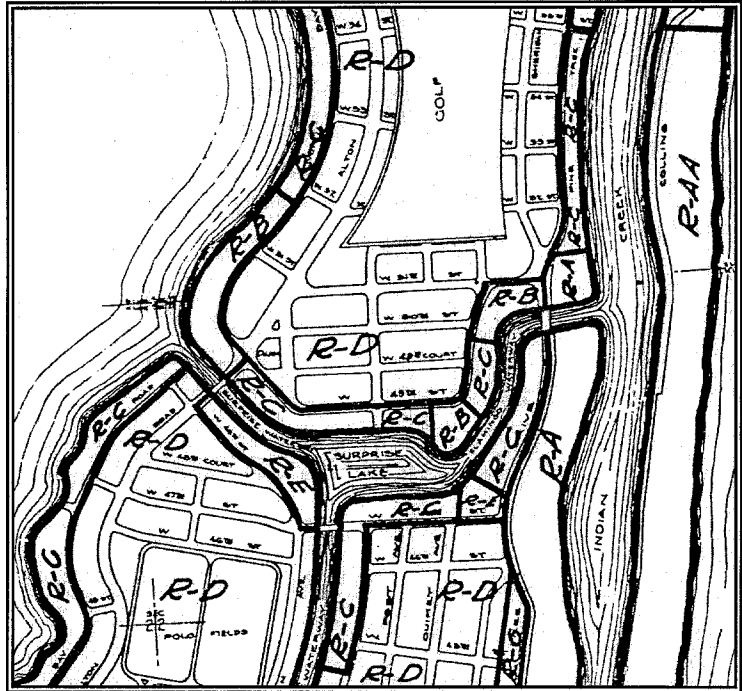
<sup>8</sup> City of Miami Beach, Public Works Department, plat 47C, "Plat of Lot 13, Block 32, Lake View Subdivision," Miami Beach Bay Shore Co., filed for record 9 February 1926, Plat Book 27, Page 17, in Dade County, Florida.

<sup>9</sup> City of Miami Beach, Public Works Department, Aerial Survey of Miami Beach, Florida (Lansing, Michigan: Abrams Aerial Survey Corporation, June 1941), sheet 138.

<sup>10</sup> City of Miami Beach, Public Works Department, plat 47B, "Amended Plat of Lot 13, Block 32, Lake View Subdivision," filed for record 25 November 1947, Plat Book 47, Page 105, in Dade County, Florida.



**Zoning.** When the City adopted its first zoning ordinance in 1930, the area within the proposed historic district was classified as R-C or single-family estate. In fact, nearly all of the waterfront lots in Carl Fisher's properties between 47<sup>th</sup> Street and 60<sup>th</sup> Street were zoned for single-family estate, with a minimum lot area that ranged from 40,000 square feet in R-AA to 10,000 square feet in R-C. The inland lots were zoned for more modest single-family homes with a minimum lot area of 6,000 square feet in R-D (see Figure 5).



**Figure 5** This map shows the zoning districts around Lake Surprise as they were first codified in 1930. The R-AA, R-A, R-B, and R-C districts lining the waterfronts were for single-family estates. The landlocked R-D districts were for single-family homes on smaller lots. Note the two R-E districts for multi-family residences and hotels: the one on the western shore of Lake Surprise (left) was the site of Carl Fisher's King Cole Hotel; and the one on the southeastern shore of the lake was where the Community Center Apartments had been built in 1926.

Two exceptions to the estate classification for waterfront lots in this area were the site of the King Cole Hotel on Lake Surprise (previously mentioned) and the site of the Community Center Apartments at 311-335 West 47<sup>th</sup> Street (including Lot 12 and the original Lot 13 in this block, all within the proposed historic district). These areas were zoned R-E or multi-family. (Hotels were also a permitted use in this zoning district.)<sup>11</sup>

Fulfilling the intention of the single-family estate zoning, many wealthy industrialists built luxurious winter homes along Collins Avenue and Pinetree Drive in the 1920s and 1930s. Directly across Pinetree Drive from the Community Center Apartments was "Casa del Robador" belonging to Commodore Robert Law, "*noted financier, sportsman, and world traveler*" from New York<sup>12</sup> (see Figure 6). Other estates on the east side of Pinetree Drive in this area, on large lots facing onto Indian Creek, were those of Dr. L.O. Bricker; John Porter of Hartford, Connecticut; George H. Phelps, in advertising, from Detroit; and John H. Strongman, retired.<sup>13</sup>

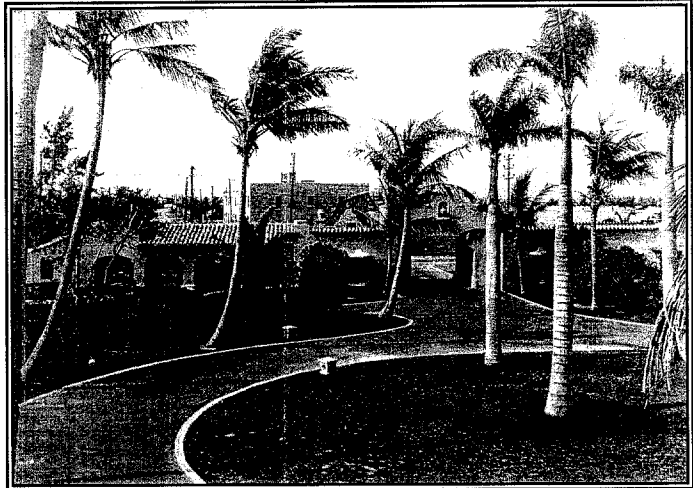
<sup>11</sup> City of Miami Beach, Planning Department, Zoning Ordinance No. 289, approved by City Council on 3 December 1930.

<sup>12</sup> Historical Museum of Southern Florida, F.F. Stearns, "Along Greater Miami's Sun-Sea-Ara," (booklet) 1932, p. 19.

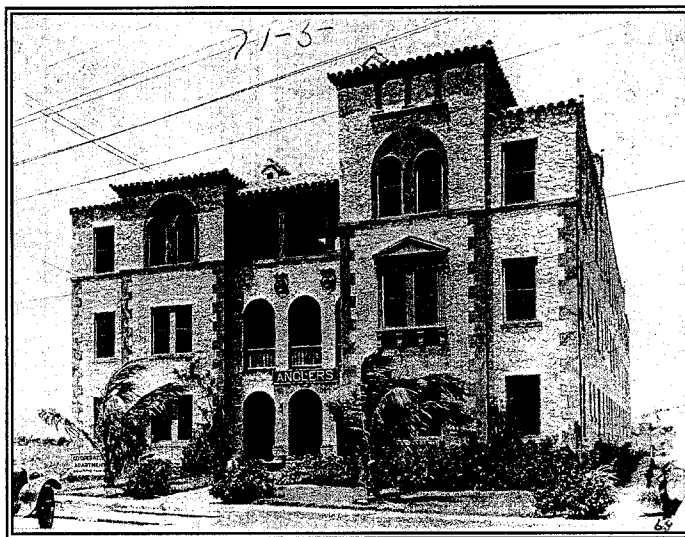
<sup>13</sup> Ibid.

**The Buildings.** The two oldest structures in the proposed Flamingo Waterway Historic District were permitted for construction in the spring of 1926. The first one was the Community Center Apartments at 311-335 West 47<sup>th</sup> Street. It was originally designed in the Mediterranean Revival style by Ohio architect Charles L. Inscho. The two-story building has 10 storefronts and a small lobby on the first floor; the lobby has a stairway that connects to the apartments on the second floor. It appears that the south and west elevations of the structure were modified by architects John and

Coulton Skinner into a modest Streamline Moderne design in 1940. However, some architectural elements still survive from the original 1926 Mediterranean Revival design on the interior and exterior of the building, particularly on the north elevation fronting West 47<sup>th</sup> Court. The Community Center Apartments was renamed the Berwick Building sometime in the 1940s,<sup>14</sup> which it is still called today.



**Figure 6** This 1930 photo was taken looking westward from the Robert Law mansion at 4701 Pinetree Drive (now demolished). It shows the Community Center Apartments across from the entry gate and a view down West 47<sup>th</sup> Street.



**Figure 7** The Anglers Apartments was built at 4812 Pinetree Drive in 1926. This photo was taken of its east elevation facing the street two years later. Note the sign at left advertising that this building is a co-operative.

The second structure to be built in the proposed historic district was the Anglers Apartments at 4812 Pinetree Drive (see **Figures 7 and 8**). It was also designed in the Mediterranean Revival style by the same architect, Charles L. Inscho, in 1926. The three-story apartment house has a central courtyard and a three-story high veranda on the rear elevation overlooking the waterway. It was probably named for the fishing prospects right outside the back door. The structure was renamed Pinetree Drive Apartments sometime in the mid 1930s.

<sup>14</sup> Historical Museum of Southern Florida, City Directories, 1944 to 1977.

An advertisement from 1928 gives summer rates for apartment rentals in these two buildings. Accommodations for four people cost \$45 to \$75 a month at the Community Centre (sic) Apartments, and \$75 to \$150 a month at the Anglers Apartments in that year.<sup>15</sup>



**Figure 8** The Community Center Apartments (center left) and Anglers Apartments (center right) are all that stand on the eastern shore of Lake Surprise in this 1927 aerial photo. A third building by architect Charles L. Inscho, the Bay Shore Apartments, is seen at West 51<sup>st</sup> Street and Cherokee Avenue (upper right). Notice also Carl Fisher's polo fields for the Nautilus Hotel north of West 41<sup>st</sup> Street (upper left) as well as the Australian pines that line Pinetree Drive (middle left).

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<sup>15</sup> Historical Museum of Southern Florida, Pamphlets - Miami Beach File, "The Lure of Miami Beach," (pamphlet) 1928.

The next structure to appear in the proposed historic district was a single-family residence for owner Joseph H. Assel at 4764 Pinetree Drive (see **Figures 9 and 11**). Built in 1934, the two-story residence was designed in the Mediterranean Revival-Art Deco Transitional style by architect Russell T. Pancoast, who was the grandson of John S. Collins. This home now serves as the parsonage for St. John's Methodist Church.

Nothing else was built on these lots until after World War II. The six other properties in the proposed historic district were constructed within a fourteen-year span (1948-1962) during the post-war building boom, when a debate about land use in this area took place. It began with the proposal for a church at 4760 Pinetree Drive. Playing an integral role in its creation was dime-store magnate Sebastian S. Kresge (see **Figure 10**).



**Figure 9** This 1935 aerial photo was taken above Indian Creek looking towards the west. A portion of the Anglers Apartments is seen at 4812 Pinetree Drive (middle far right). The J.H. Assel residence, which was designed by Russell Pancoast a year earlier, is visible just to its south; it now serves as the parsonage for St. John's Methodist Church. Across the Flamingo Waterway, to the west of this residence, is the point of land that was originally envisioned as a hotel site. Carl Fisher's King Cole Hotel is present on the western shore of Lake Surprise (top right). Note the large single-family estates built on the east side of Pinetree Drive along the Indian Creek waterfront, including the U-shaped Robert Law property at the end of West 47<sup>th</sup> Street across from the Community Center Apartments.

Kresge was one of the many northern millionaires who became winter residents of Miami Beach in the 1920s and 1930s. He had started as a Pennsylvania farm boy, teacher, bookkeeper, and salesman who invested in two dime-stores in Memphis and Detroit in 1897. Two years later he formed the S.S. Kresge Company in Detroit, and its red-fronted dime-stores became an American institution. Kresge Department Stores, headquartered in Newark, New Jersey, was started in 1923. Mindful of his own rags-to-riches story, Kresge established the philanthropic Kresge Foundation of Detroit in 1924. By 1937, Kresge owned 739 stores in 26 states, Washington, D.C., and Canada.<sup>16</sup>

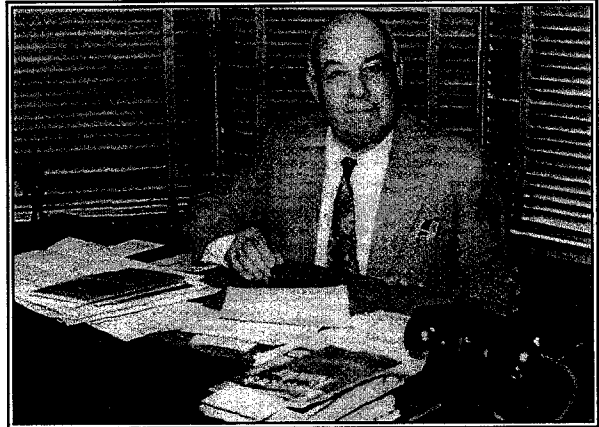


Figure 10 Sebastian S. Kresge, of dime-store fame, was a major benefactor to the Methodist congregation who built their new church at 4760 Pinetree Drive in 1949.

In 1930, Kresge bought a house for himself and his wife Clara at 5625 Pinetree Drive in Miami Beach.<sup>17</sup> He also dealt in land development here:

*Wishing to have a part in the development of Miami Beach, he is engaging in real estate by selling beautiful tropical homes located in the choicest sections of the beach.*<sup>18</sup>

In 1936, the Kresges platted five lots on the east side of Pinetree Drive at the mouth of the Flamingo Waterway as the Kresge Subdivision.<sup>19</sup>

Previously, in 1924, the First United Methodist congregation had organized in Ocean Beach<sup>20</sup> and built a church at 550 Jefferson Avenue. By the end of World War II, the City's residential population was moving northward into Middle Beach, so the congregation looked for a new location to better serve its members. In 1946, the Kresge Foundation donated the land at 4760 Pinetree Drive as the site for a new church building,<sup>21</sup> but it did not come easily.

As mentioned earlier, the land north of the original Lot 13 in this block had been zoned single-family estate in 1930. Therefore, the First United Methodist congregation had to seek approval for a special use variance from the Zoning Board of Adjustment and City Council in order to construct their new church on Lot 15. In addition, this site was located immediately south of the single-family residence

<sup>16</sup> *Society Pictorial*, 20 February 1937, p. 19.

<sup>17</sup> *Ibid.*, p. 30.

<sup>18</sup> *Ibid.*, p. 19.

<sup>19</sup> City of Miami Beach, Public Works Department, plat 48C, "Kresge Subdivision," S.S. Kresge and his wife Clara, approved by Dade County Commission on 3 June 1936, Plat Book 39, Page 30.

<sup>20</sup> Paul N. Jewett, *Window and Witness*, St. John's on the Lake First United Methodist Church, Miami Beach, 1985, p. 12.

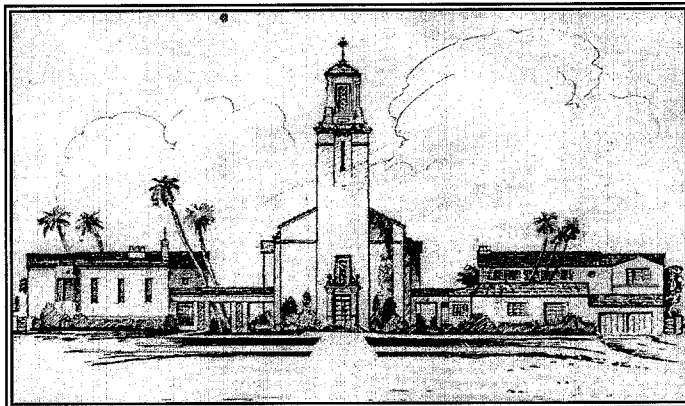
<sup>21</sup> "Beach Methodists to Begin Building," *Miami News*, 19 February 1949.

at 4764 Pinetree Drive. When the owner of this house strongly objected to having a church next door, Kresge himself purchased the house for the church to use as a parsonage, which it remains today (see Figure 11).



**Figure 11** The site for St. John's Methodist Church at 4760 Pinetree Drive was dedicated on May 12, 1946. The single-family home at 4764 Pinetree Drive is seen in the background of this photo. It now serves as the parsonage for the church. Both the land and the house were given to the congregation by Sebastian Kresge.

In 1946, when the Zoning Board of Adjustment debated the construction of a church in an area zoned for single-family estates, the argument was made that this site was situated between two non-conforming apartment buildings: the Anglers Apartments to the north and the Community Center Apartments to the south. It was felt that the lot was no longer suitable for a private residence and that a church should be permitted. In April of 1946, a special use variance for the new church was approved by the Zoning Board of Adjustment and City Council with two conditions: that the single-family residence located immediately to the north of the proposed church site be acquired to serve as a buffer to the surrounding residential neighborhood, and that off-street parking be provided on the lot to the south.<sup>22</sup>



**Figure 12** This rendering shows architect A. Hensel Fink's proposal for the new Methodist church on Pinetree Drive. The parsonage is seen at right; it was designed by Russell Pancoast as a residence in 1934. The wing at left, housing a chapel and church school, was never built.

St. John's on the Lake First United Methodist Church, as the new church was named, was built in 1949. It was designed in the Post War Modern style by A. Hensel Fink, a nationally-known architect for the Methodist Church, with Robert M. Little as local associate (see Figure 12). The first service of worship was held in the new sanctuary on November 27, 1949. A rear addition for a social hall and chapel was built in 1958; it was designed by Alexander Lewis.<sup>23</sup> This addition did not meet the rear setback requirement, but again a

<sup>22</sup> City of Miami Beach, Planning Department, Zoning Board of Adjustment, Minutes, 25 March 1946 and 8 April 1946; and City Clerk's Office, City Council Records, Minutes, 17 April 1946.

<sup>23</sup> Paul N. Jewett, Window and Witness, St. John's on the Lake First United Methodist Church, Miami Beach, 1985, pp. 19-25 and 30.

variance was granted by the Zoning Board of Adjustment with the condition that the church maintain the adjoining lot to the south as a parking lot.<sup>24</sup>

While the church was being debated, the Pinetree Apartments was built at 4730-4740 Pinetree Drive in 1948. The site was located in the new Tract A of the original Lot 13 in this block, which was already zoned for multi-family residences. The two-story building was designed by noted architect Norman Giller as a garden apartment in the Post War Modern style. It has a pair of bar-shaped building wings that flank a central courtyard and are connected by a grand "proscenium" on the east elevation facing Pinetree Drive. The structure is now a co-operative apartment house called Lighthouse Apartments.

Two more multi-family residential properties were built in the proposed historic district in 1950. One was the Lake View Apartments (now Pine Tree Palms condominium) at 4780 Pinetree Drive. A special use variance was granted to build an apartment house on this site within a single-family estate zoning district in 1947 (amended 1950). The owners, Dave and Mary Alper, contended that the property was unsuitable for single-family use because it was located between a church to the south (St. John's) and a non-conforming apartment house to the north (the Anglers).<sup>25</sup> The 10-unit, two-story apartment house was designed by Gilbert Fein in the Post War Modern style.

The other residential property built here in 1950 was the Surprise Lake Apartments (now Esquire House co-op), an ensemble of four two-story buildings at 4710-4720 Pinetree Drive (see **Figure 13**). The site was located in Tract B of the original Lot 13 in this block, and it was within the multi-family zoning district. The buildings were designed by M. Tony Sherman in the Post War Modern style. An advertisement and newspaper article from 1963 quotes prices for a one-bedroom

**Figure 13** Two of the four buildings that comprise the Esquire House apartments are seen in this 1963 ad. They were originally called Surprise Lake Apartments when they were built in 1950.

<sup>24</sup> City of Miami Beach, Planning Department, Zoning Board of Adjustment, Minutes, 28 June 1957 and 25 July 1957; and ZBA File #Z-10, amendment to variance, approved 31 March 1958.

<sup>25</sup> City of Miami Beach, Planning Department, Zoning Board of Adjustment, Minutes, 13 May 1947 and 9 May 1950.

apartment here at \$9,500 and a two-bedroom at \$15,250; amenities included a private entrance to each apartment, an Olympic-sized pool, and a private dock on Lake Surprise. At that time it was already called Esquire House, and it had been a non-profit co-op for two years. The community spirit here was remarkable, with the residents holding frequent communal cook-outs on the patio:

*The whole atmosphere was inspiring, the beautiful view of the sun setting over the wide span of water, the colorful landscaping with all manner of tropical plantings, and the tremendous dock accommodating a half a dozen boats at one time. ...There is but one way to term a co-op a true success...by incorporating a congenial group of people to live co-operatively in the true sense of the word, bound together with ties of friendship.<sup>26</sup>*

In 1953, a new residential property was added to the proposed historic district called 4800 Pinetree Drive. Like its neighbor to the south (Lake View Apartments), a special use variance was required in order to build an apartment house on this site within a single-family estate zoning district. The owner, Max Goldhoff, argued through his attorney that *"the property could not be given away"* for single-family use because it was situated between two apartment buildings.<sup>27</sup> The special use variance was granted for the ten-unit, two-story apartment house at 4800 Pinetree Drive in October of 1953.<sup>28</sup> The building was designed by Donald Reiff in the Post War Modern style.

In August of 1959, the City acquired by eminent domain a portion of Tract B in this block at 4700 Pinetree Drive. It was an effort to provide off-street parking in the area. This site remains a municipal parking lot today.<sup>29</sup>

The last building to appear in the proposed historic district was the Regency House, a nine-story apartment building at 353 West 47<sup>th</sup> Street. This site was located within the multi-family zoning district. Completed in 1963, the apartment house was designed by MacKay & Gibbs in the Post War Modern style, completing this assemblage of mid-century residential structures.

It was not until 1972 that the City approved a zoning district change for this area from single-family estate to multi-family. The existing multi-family zoning district at the northwestern corner of West 47<sup>th</sup> Street and Pinetree Drive was expanded northward to 4816 Pinetree Drive. (The boundaries of the proposed historic district coincide with the expanded boundaries of the multi-family zoning district.) This change in zoning classification from single-family estate to multi-family may have

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<sup>26</sup> Dale S. Renault, "Life Has Meaning at Esquire Apts.," Miami Beach Daily Sun, 2 June 1963, pp. 17-18 B.

<sup>27</sup> City of Miami Beach, Planning Department, Zoning Board of Adjustment, Minutes, 18 September 1953.

<sup>28</sup> City of Miami Beach, Planning Department, Zoning Board of Adjustment, Minutes, 18 September 1953, 19 October 1953, and 29 October 1953.

<sup>29</sup> City of Miami Beach, City Clerk's Office, Archives, 4700 Pinetree Drive, Warranty Deed 161, 6 August 1959; Resolution No. 9789, adopted 18 June 1958; and Resolution No. 10142, adopted 1 June 1959.



been made to better reflect the as-built conditions and multi-family residential use of the northern lots in the district. It also brought the three non-conforming apartment houses at 4780, 4800, and 4812 Pinetree Drive into conformance with the new underlying multi-family zoning district. Two other zoning changes occurred later within the boundaries of the proposed historic district. In 1983, the municipal parking lot at 4700 Pinetree Drive was reclassified from multi-family residential to municipal or government use. About six years later, the site of the Community Center Apartments (now the Berwick Building) at 311-335 West 47<sup>th</sup> Street was reclassified from multi-family residential to commercial, low intensity.<sup>30</sup>

### **The Architects.**

Gilbert M. Fein (1919-2003) was born in Brooklyn, New York, in 1919, and he graduated with a Bachelor's degree in Architecture from New York University in 1942. He served in the Army Corps of Engineers during World War II and settled in Miami Beach after honeymooning here in 1947. He was first employed as a draftsman for Norman M. Giller and later opened his own firm, Gilbert M. Fein, in 1949. He designed hundreds of residential and commercial buildings in South Florida in the new Post War Modern style, becoming "one of the masters of Modernism."<sup>31</sup> He was a consulting architect to the Congress Inn Motel Group and the Ramada Inn Corporation. He designed the major north addition to the Miami Beach Exhibition Hall (now the Miami Beach Convention Center) in 1967. A great number of his apartment buildings are in Normandy Isle and elsewhere in North Beach. In his honor, the Miami Beach City Commission recognized his lifetime achievement in modern design and declared "Gilbert Fein Day" on February 5, 2003, just a month before his death.

In the proposed Flamingo Waterway Historic District, Fein designed the Lake View Apartments (now the Pinetree Palms) at 4780 Pinetree Drive in 1950. Elsewhere in Miami Beach his works include:

- Tuxedo Park at 1900 Liberty Avenue in 1951,
- Starlite Hotel at 750 Ocean Drive in 1952,
- Helen Mar Annex at 2445 Lake Pancoast Drive in 1956,
- Park Isle Club at 780-73<sup>rd</sup> Street in 1957, and
- Sun Haven (now the News Café) at 800 Ocean Drive in 1958.

Alpha Hensel Fink (1903-1999) was from West Virginia, and he received a Bachelor's degree in Architecture from the Carnegie Institute of Technology in 1926. He worked in Philadelphia and headed the Department of Architecture at Drexel University beginning in 1928. He became a partner in Sundt, Wenner and Fink in 1934. He started his own firm, A. Hensel Fink and Associates, in 1947.<sup>32</sup>

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<sup>30</sup> City of Miami Beach, Planning Department, Zoning Ordinances and Maps, 1930 to Present.

<sup>31</sup> "Gilbert M. Fein," Miami Herald, Obituaries, 11 March 2003, p.4-B.

<sup>32</sup> Philadelphia Architects and Buildings Project website.

In the post-war years, he was the denominational architect in charge of approving Methodist Board of Missions projects. Mount Zion Methodist Church in Lancaster, Pennsylvania, built in 1950, was inspired by an earlier church design by Fink in the state of Washington.<sup>33</sup> Fink was also the associate architect of Goodrich Chapel in Albion, Michigan, in 1958,<sup>34</sup> and he contributed to the design of Wesley Theological Seminary in Washington, D.C. He is also credited with the circular design of the Abraham S. Kay Spiritual Life Center at American University, built in 1965. In the proposed Flamingo Waterway Historic District, Fink worked with local architect Robert M. Little in designing St. John's Methodist Church at 4760 Pinetree Drive in 1949.

Norman M. Giller was born in Jacksonville, Florida, in 1918, and he earned a degree in architecture from the University of Florida in 1945. He apprenticed with Henry Hohauser and Albert Anis during the early 1940s in Miami Beach. After World War II, he became one of South Florida's most influential and inventive architects of the Post War Modern style.<sup>35</sup> He still maintains a practice today together with his son, Ira Giller. His contribution to the proposed Flamingo Waterway Historic District was the Pinetree Apartments (now Lighthouse) at 4730-4740 Pinetree Drive in 1948. Some of his best-known works include:

- Bombay Hotel (now the Golden Sands) at 6901 Collins Avenue in 1951,
- Giller Building at 975 41<sup>st</sup> Street in 1957,
- Carillon Hotel at 6801 Collins Avenue in 1957,
- Diplomat Hotel (now demolished) at 3555 South Ocean Drive, Hollywood, in 1957,
- North Shore Park Band Shell at 7251 Collins Avenue in 1961, and
- Miami Beach Chamber of Commerce at 1920 Meridian Avenue in 2001 with his son Ira Giller.

Charles Leroy Inscho (1875-1959) was born in Delaware, Ohio, and graduated from Ohio Wesleyan University after an interruption to serve in the Spanish American War. He was a war correspondent who documented actions on the battlefields through his sketches and watercolors. He also served for five years as an "artificer" with the Ohio National Guard and was honorably discharged in 1900. Inscho became an associate member of the American Institute of Architects in 1909 and later served as president of their Ohio chapter in 1933 to 1934. He and his son Charles Curtiss Inscho (1912-1997) were principals in the firm Inscho, Brand and Inscho in Columbus, Ohio. C.L. Inscho's work included Indianola Presbyterian Church and at least 45 residences, many of them summer homes, in the Columbus area. At least three bungalows that he designed in the early 1900s are located in the Iuka Ravine National Register Historic District in Columbus. In

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<sup>33</sup> Southern Lancaster County (Pennsylvania) Historical Society website.

<sup>34</sup> Albionvision.com.

<sup>35</sup> Eric P. Nash and Randall C. Robinson, Jr., MiMo: Miami Modern Revealed (San Francisco, California: Chronicle Books, 2004), pp. 92-93.

addition to architecture, he was also a prolific artist and master craftsman in woodcarving.

Mr. Inscho wintered in Captiva, Florida, for 30 years, but it is not clear how he came to Miami Beach. He designed two buildings here in 1925: the Ocean Breeze Apartments at 4349 Sheridan Avenue and a two-story residence at 4309 Sheridan Avenue. In 1926, besides the Community Center and Anglers apartment buildings in the proposed Flamingo Waterway Historic District, he also designed the Fisher Apartments (now demolished) at 4220 Prairie Avenue and the Bay Shore Apartments, a two-story building with six stores and eight apartments, at 700-708 West 51<sup>st</sup> Street.<sup>36</sup>

Alexander Lewis was born in Kentucky in 1899, and he obtained a Bachelor's degree in Architecture from the University of Kentucky in 1924. He practiced in Miami Beach both before and after World War II where he designed a number of single-family residences. In 1928, he designed the original Sterling Building at 919 Lincoln Road, which was later remodeled in the Streamline Moderne style by V.H. Nellenbogen in 1941. Lewis' surviving apartment buildings include: the Adelpia Apartments at 6055 Indian Creek Drive in 1940, the Malabo Apartment Hotel at 3865 Indian Creek Drive in 1947, and the London House at 1965 Washington Avenue in 1948. In the proposed Flamingo Waterway Historic District, he designed the major rear addition to St. John's Methodist Church at 4760 Pinetree Drive in 1958.

Robert M. Little was born in Pennsylvania in 1903 and studied at the Beaux Arts School in Philadelphia. He came to Miami Beach at the height of the Florida Boom in 1925. Here he worked with Robert A. Taylor, and later opened his own practice in 1934. He designed commercial, residential, and institutional buildings in the Greater Miami area and Fort Lauderdale, including several buildings at the University of Miami (the Merrick Building,<sup>37</sup> Lowe Art Gallery, Ring Theater, Eaton Hall, Meyer Law School Building, and Volpe Music Building). In Miami Beach, he designed a two-story addition to Washington Storage (now the Wolfsonian/FIU) at 1001 Washington Avenue in 1936, the Casablanca Apartments at 6839 Abbott Avenue in 1937, and many fine single-family residences. In the proposed Flamingo Waterway Historic District, Little collaborated with A. Hensel Fink in designing St. John's Methodist Church at 4760 Pinetree Drive in 1949. Little was made a Fellow of the American Institute of Architects in 1960. *"The perforated pre-cast concrete panel is often a signature of his work."*<sup>38</sup>

MacKay & Gibbs was an association formed by Frederick Alton Gibbs and Edward A. MacKay in 1946, with an office at 927 41<sup>st</sup> Street in Miami Beach. Gibbs was

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<sup>36</sup> Correspondence with Molly Inscho, Granddaughter of Charles L. Inscho, Worthington, Ohio, 2003.

<sup>37</sup> Tracy Hollingsworth, History of Dade County, Florida (Coral Gables, Florida: Glade House, 1949), p. 192.

<sup>38</sup> "Three Miamians Get High Honor," Miami Herald, 28 February 1960.

born in Miami in 1910, and he studied at the Carnegie Institute of Technology in Pittsburgh. He returned to Miami and worked in association with Henry Hohaus from 1934 to 1941.<sup>39</sup> MacKay was born in Flint, Michigan, in 1908, and he graduated from the University of Minnesota in 1934.<sup>40</sup>

In the proposed Flamingo Waterway Historic District, MacKay & Gibbs designed the Regency House at 353 West 47<sup>th</sup> Street in 1962. Other fine examples of their work in Miami Beach include:<sup>41</sup>

- Sherbrooke Apartments at 901 Collins Avenue in 1947,
- Museum Walk Apartments at 2315-2335 Pinetree Drive in 1947,
- Amberlee Apartments at 1520 Euclid Avenue in 1947,
- Surfcomber Hotel at 1717 Collins Avenue in 1948,
- Seacomber Hotel at 1737 Collins Avenue in 1948,
- Carol Lee Apartments at 7610-7620 Harding Avenue in 1952, and
- Carriage Club North at 5005 Collins Avenue in 1965.

Russell T. Pancoast (1899-1972) was born in Moorestown, New Jersey, in 1899, but grew up in Miami Beach as the grandson of pioneer John S. Collins and the son of Thomas J. Pancoast, early Miami Beach mayor and founder of the local Chamber of Commerce. Russell Pancoast studied architecture at Cornell, and then returned to Miami Beach where he worked from 1925 to about 1955. His contribution to the proposed Flamingo Waterway Historic District was the 1934 single-family residence at 4764 Pinetree Drive, which now serves as the parsonage for St. John's Methodist Church. He is also credited for designing such notable buildings as:

- Surf Club at 9011 Collins Avenue, Surfside, in 1929,
- Collins Memorial Library (now the east wing of the Bass Museum) at 2121 Park Avenue in 1930,
- Miami Beach Woman's Club at 2401 Pinetree Drive in 1933, and
- Peter Miller Hotel at 1900 Collins Avenue in 1936.

Donald Reiff (1924-1982) was born in the Bronx, New York, in 1924. After graduating in architecture from Rensselaer Polytechnic Institute in Troy, New York, in 1948, he came to Miami and worked as a draftsman for Wahl Snyder, Robert Fitch Smith, and the firm of Rufus Nims, L. Murray Dixon and Edwin T. Reeder. During his 30-year career, his own projects in the Greater Miami area included the Towers of Key Biscayne, Midway Mall Shopping Center, Dadeland Medical Building, and Kendall Lakes Mall. In the proposed Flamingo Waterway Historic District, he designed the 4800 Pinetree Drive apartment house in 1953. Elsewhere in Miami Beach, his architectural works include:

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<sup>39</sup> American Institute of Architects Membership Application, "Gibbs, Frederick A.," American Institute of Architects, Florida South Chapter, Coral Gables, Florida.

<sup>40</sup> American Institute of Architects Membership Application, "MacKay, Edward A.," American Institute of Architects, Florida South Chapter, Coral Gables, Florida.

<sup>41</sup> City of Miami Beach, Building Department, Building Permit Records.

Sun Ray Apartments at 728 Ocean Drive in 1953,  
Ankara Motel (formerly the Banana Bungalow and now the Creek) at 2360  
Collins Avenue in 1954, and  
the garden apartment house at 1446 Ocean Drive in 1958.

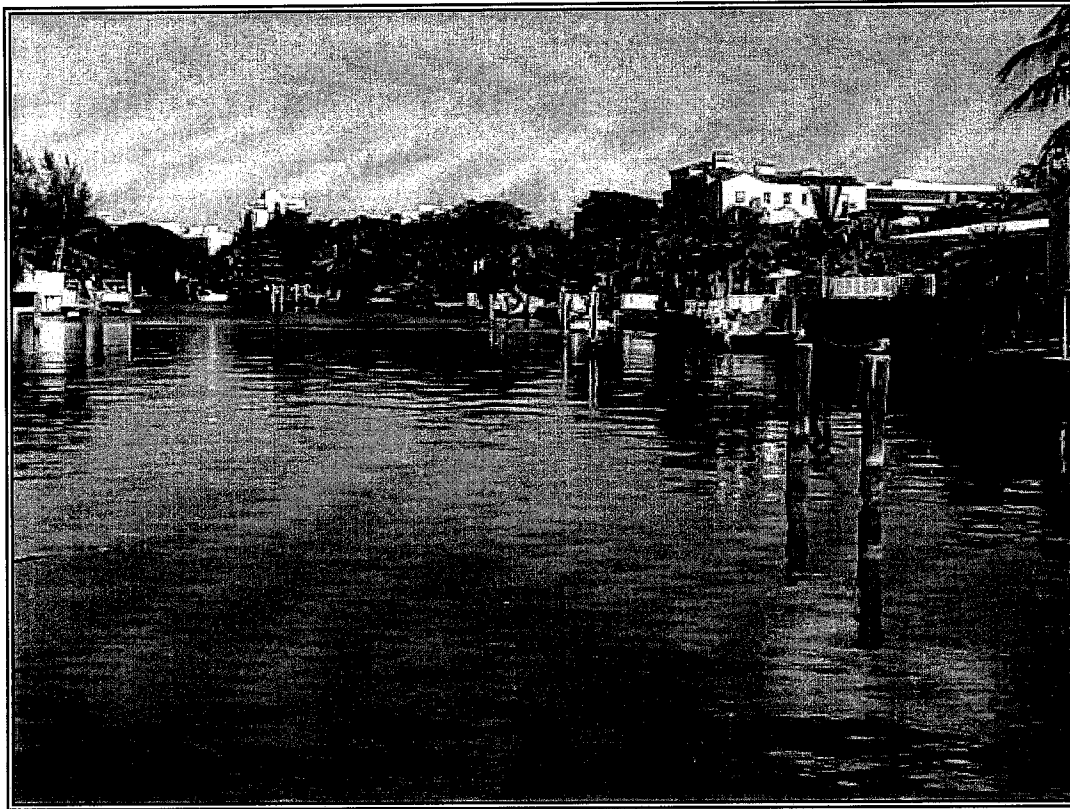
M. Tony Sherman's contribution to the proposed Flamingo Waterway Historic District is the Surprise Lake Apartments (now Esquire House), an ensemble of four buildings at 4710-4720 Pinetree Drive in 1950. His other buildings in Miami Beach include the Catalina Hotel at 1732 Collins Avenue in 1948 and the Waves Hotel at 1052 Ocean Drive in 1950. Elsewhere he designed the Yankee Clipper Hotel in Fort Lauderdale, the Tropicana Hotel in Las Vegas, and the Sunniland Shopping Center in Kendall. He also contributed to the design of Lauderdale Isles, a project of 700 single-family homes.<sup>42</sup>

John & Coulton Skinner were brothers from Cleveland, Ohio, and both studied architecture at the University of Toronto. William Coulton (1891-1963) continued working in Toronto and Detroit; John (1893-1967) went on to Harvard, traveled to Europe on a fellowship, and then was named head of the architecture department at the University of Georgia. The brothers both came to Miami in 1925, where they contributed to the design of the residential "villages" of George Merrick's planned community in Coral Gables. John also headed the department of architecture at the new University of Miami in 1927. The Skinners designed residences and hotels in Miami and Miami Beach in the pre-war years and later partnered with Harold Steward in 1941. After World War II, their designs included the Miami Seaquarium, the Miami Public Library (now demolished), Dade-County Auditorium, Mercy Hospital, an addition to Jackson Memorial Hospital, and several buildings at the University of Miami.<sup>43</sup> In the proposed Flamingo Waterway Historic District, they remodeled the Community Center Apartments (now the Berwick Building) at 311-335 West 47<sup>th</sup> Street into a modest Streamline Modern design in 1940. Elsewhere in Miami Beach they are credited for designing the Barbizon Hotel at 530 Ocean Drive in 1937 and the Bentley Hotel at 500 Ocean Drive in 1939.

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<sup>42</sup> "Work of Architect No Soft Snap Today," *Miami News*, 23 October 1955.

<sup>43</sup> University of Miami School of Architecture, *Coral Gables: An American Garden City* (Paris, France: Editions Norma, 1997), p. 205.



**Figure 14** This current photo was taken from the southeastern shore of Lake Surprise looking northward up the Flamingo Waterway. The properties in the proposed Flamingo Waterway Historic District are situated on the eastern bank of the waterway (right), the namesake for the district.

**Conclusion.** In this unique waterside enclave, the City has a fine collection of historic architecture which spans from the mid 1920s to the early 1950s, from one land development boom to another. It includes both single and multi-family residences, as well as commercial and religious facilities. The architectural styles featured in this district are Mediterranean Revival, Med-Deco Transitional, and Post War Modern. This group of buildings was designed by some of the best-known local architects of the time. Besides the architecture, the Flamingo Waterway and Lake Surprise themselves date back to the literal construction of the Miami Beach landscape in the 1920s, and the buildings here chronicle the City's development as a desirable tropical resort and residential community over three decades.

## IX. ARCHITECTURAL STYLES

Exemplary buildings of three (3) distinct Miami Beach architectural movements have been identified in the proposed Flamingo Waterway Historic District. The architectural styles represented in this area include Mediterranean Revival, Mediterranean Revival/Art Deco Transitional, and Post War Modern or Miami Modern (MiMo).

### Mediterranean Revival (circa mid-1910s to early 1930s)

Mediterranean Revival architecture was the "style of choice" for the first major land development period in Miami Beach. Its connotation of Mediterranean resort architecture, combining expressions of Italian, Moorish, North African, and Southern Spanish themes, was found to be an appropriate and commercially appealing image for the new Floridian seaside resort; it was a style that was simultaneously being used expansively in California and other areas of similar climate.

During the mid-1910s through the early 1930s, the style was frequently applied to hotels, apartment buildings, commercial structures, and single-family residences. Its architectural vocabulary was characterized by stucco walls, low-pitched terra cotta and historic Cuban tile roofs, arches, scrolled or tile capped parapet walls, and articulated door surrounds, sometimes utilizing Spanish Baroque decorative motifs and Classical elements. Feature detailing was occasionally executed in keystone or patterned ceramic tile.

Application of the architectural vocabulary in Miami Beach ranged from sparing to modestly exuberant, and building massing varied from a simple rectangular form to stepped massing with recessed wall planes and tower-like corner features. Wooden casement or double-hung windows of several configurations provided additional detail to the facades.

An example of a Contributing Structure designed in the Mediterranean Revival style in the proposed Flamingo Waterway Historic District is the Anglers Apartments at 4812 Pinetree Drive (see **Figures 15 and 16**). The Community Center Apartments (now the Berwick Building) at 311-335 West 47<sup>th</sup> Street was also designed in the Mediterranean Revival style in 1926 (see **Figure 17**); however, the building's south and west elevations were later modified into a modest Streamline Moderne design in 1940 (see **Figure 18**).

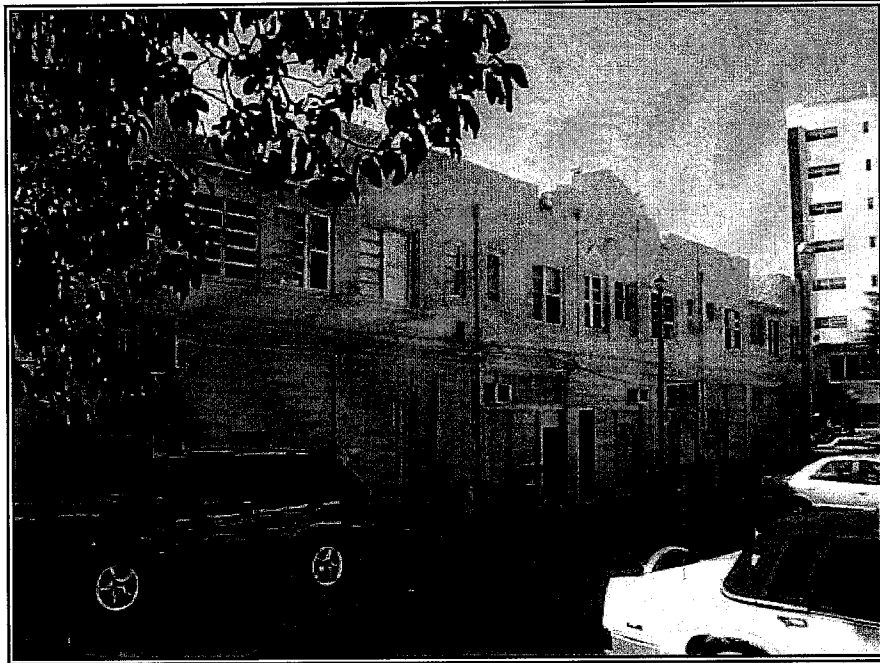


**Figure 15** This current photo shows the east or front elevation of the Anglers Apartments facing Pinetree Drive. Built in 1926, it was designed by Charles L. Inscho in the Mediterranean Revival style. Typical of this architectural style, the building features stepped massing with tower-like elements, multiple clay barrel tile roofs, carved rafter tails, delicate chimneys with clay barrel tile coping, a rough stucco finish, arched openings, and decorative quoins.



**Figure 16** The Anglers Apartments has a central courtyard and a three-story high veranda on the west or rear elevation overlooking the Flamingo Waterway. This current photo shows the southwestern corner of the structure on the bank of the waterway.





**Figure 17** Built in 1926, the Community Center Apartments (now the Berwick Building) at 311-335 West 47<sup>th</sup> Street was originally designed by Charles L. Inscho in the Mediterranean Revival style. This current photo was taken of the structure's north elevation facing the alley on West 47<sup>th</sup> Court. It shows some of the surviving architectural elements from the original 1926 Mediterranean Revival design, including some original storefronts on the first floor; a focal window on the second floor that is highlighted by engaged pilasters, a scrolled window surround, and a cartouche; as well as a stepped roofline that alternates between a scrolled parapet wall and carved rafter tails.



**Figure 18** According to the building permit records, it appears that the south and west elevations of the Community Center Apartments were modified by architects John and Coulton Skinner into a modest Streamline Moderne design in 1940. This current photo shows the southwestern corner of the structure facing West 47<sup>th</sup> Street.

## Mediterranean Revival/Art Deco Transitional (circa late 1920s to mid-1930s)

"Med/Deco" in Miami Beach was a synthesis of Mediterranean Revival form and Art Deco decorative detail or vice versa. This unique hybrid style became a fascinating bridge between the "familiar" and the "new" as the allure of Art Deco found its way into the City's architectural vocabulary. Clean stepped roof lines and crisp geometric detailing replaced scrolled parapets, bracketed cornices, and Classical features on structures of clear Mediterranean Revival form. Likewise, sloped barrel tile roofs rested gracefully on edifices with spectacular Art Deco entrances and facade treatments.

Some of the most celebrated architects in Miami Beach designed structures in this brief-lived but very significant style, including V.H. Nellenbogen, Henry Hohaus, Russell Pancoast, and T. Hunter Henderson. The predominant exterior material of Med/Deco Transitional was smooth stucco with raised or incised details. Featured stucco areas were often patterned or scored. Keystone, either natural or filled and colored, was frequently used to define special elements. Windows ranged from wooden and steel casement to wooden double-hung, and even large single windows in gracefully curved masonry openings.

An example of a Contributing Structure designed in the Mediterranean Revival/Art Deco Transitional style in the proposed Flamingo Waterway Historic District is the parsonage of St. John's on the Lake First United Methodist Church at 4764 Pinetree Drive (see Figure 19).



**Figure 19** Built in 1934, the residence at 4764 Pinetree Drive was designed by Russell Pancoast in the Mediterranean Revival/Art Deco Transitional style. It now serves as the parsonage for St. John's Methodist Church. The L-shaped structure is two-stories in height with a one-story wing, breeze way, and garage at its north end. The residence represents a unique bridge between two architectural movements, Mediterranean Revival and Art Deco. Typical of the Mediterranean Revival style, the structure has multiple gabled roofs with Cuban barrel tiles and rafter tails, a rough stucco finish, a wooden front entrance door set within a curved wall recess, a projecting window bay with a corbelled arch base, full window shutters with wood-panels, a decorative latticed vent, and a circular masonry opening with a wooden grille. The residence also has architectural elements that are reflective of the Art Deco style, including multiple racing stripes, a porthole window, and a broad sculptural chimney. On the east side of the property, there is a brick landscape wall with a wood-paneled gate that is flanked by niches with multiple shelves.

## **Post War Modern or Miami Modern (MiMo)** (circa 1945 to 1965)

**Historical Context.** In order to better understand the Post War Modern style of architecture, it is important to view this architectural movement in the context of the social, economic, and technological changes that were taking place during this period.

The United States emerged as a world power following World War II. After years of deprivation during the Great Depression and wartime, everyone dreamed of a carefree, better world for themselves and their children. The Baby Boom was the result of the eagerness to get this new generation underway, while the legislation of the G.I. Bill helped to provide education and prosperity for war veterans.

Miami Beach played a significant role as a training site and redistribution center for the U.S. Army-Air Forces during World War II. The immediate availability of the City as a training center in 1942 is credited with reducing the length of the war effort by six to eight months and saving the government \$6 million in building costs.<sup>44</sup> After the war, many veterans who had trained as recruits in Miami Beach returned here to vacation or to make their home, often with their brides.

America redirected its enormous industrial capacity back to the domestic economy following the war. There was no longer a perceived need for rationing, conserving, and recycling. It was the age of exuberance and abundance. The economy was thriving and gave rise to the growing middle class. Miami Beach became more popular as a seaside resort and later a retirement community with its warm, tropical climate and beautiful beaches. The need increased for new multi-family residential housing.

**Architectural Description.** After a hiatus in construction due to World War II, the Post War Modern style picked up where Art Deco and Streamline Moderne left off with the added influences of a booming post war economy, new technologies, and a feeling of national optimism. The local expression of this style has recently been dubbed Miami Modern or MiMo by the Greater Metropolitan Miami area's Urban Arts Committee (much as the term Art Deco was first applied about 1965 when the style actually first appeared in the 1920s).

The Post War Modern style in Miami Beach established a path of its own in terms of modern functional simplicity with a new vocabulary of pizzazz. Essentially the strong design personality of Art Deco and Streamline Moderne, as it evolved over two decades in Miami Beach, significantly gave way to the changing dictates of use and function in the era of post war seaside resort and residential architecture. It was a newly invented style, as architect Robert M. Little observed:

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<sup>44</sup> "Army Life on Beach in Second Year," Miami Herald, 19 February 1943.

*A good many of our modern designs must be developed without a precedent to go on. We are in fact making precedent with some of our building now, particularly in South Florida where new techniques are more readily accepted because they are so well suited to a sunny climate.*<sup>45</sup>

From about 1945 to 1965, the widely popular Post War Modern style was frequently applied to hotels, commercial buildings, apartment houses, and single family homes throughout Miami Beach. Post War Modern style buildings generally made an extensive use of glass and poured concrete. They often mixed two or more textured surfaces together (i.e. stucco with stone, brick, or mosaic tile as well as contrasting smooth and fluted stucco surfaces). The style featured such dramatic elements as accordion-like folded plate walls, acute angles, dynamic parabolas, delta wings, sweeping curved walls, and soaring pylons. Other commonly occurring design elements and materials that were added to the architectural vocabulary of the Post War Modern style structures included: brise soleil, architectural accents with exotic themes, brick or stone faced feature areas, and cast concrete decorative panels with geometric patterns. Architect Morris Lapidus further expanded the architectural language of this style when he made popular cheese holes, woggles, and beanpoles.

The low-scale apartment houses in the Post War Modern style commonly featured floor plans that were reorganized from interior double-loaded corridors (a central corridor with rooms on each side) to open air corridors or catwalks on one side or more. Single-block massing remained a dominant characteristic, but new functional exterior elements profoundly impacted on the design. Overhanging roof plates and projecting floor slabs became typical of the new style along with paired or clustered pipe columns. Roofs were generally flat; however, low-pitched roofs with flat tile or barrel tile also were utilized. Rounded or "soft" eaves were often incorporated into both roof types. Varied roof angles and delta wings often added visual interest to the apartment buildings in this style.

Low-scale apartment houses in the Post War Modern style typically featured casement, jalousie, or awning windows. Drama was added to the fenestration with flush or projecting boxed windows as well as with windows and eyebrows that wrap the corners of the building. Jalousie doors were commonly installed along the open air corridors to enter individual apartment units. Symmetrical open staircases with decorative railings became significant exterior design features. The railings served as the ornamentation or "jewelry" of the building; they highlighted the open air corridors, balconies, and staircases. Wrought iron railing designs commonly used in this style included ribbon, diamond, geometric, floral, and swag patterns. Other typical railing materials were metal mesh panels and cast concrete breeze block in elaborate patterns. Additional design elements of the Post War Modern style

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<sup>45</sup> "Architect Says U.S.A. Produced 'Modern,'" Miami Herald, 12 July 1948.

frequently incorporated into low-scale apartment houses included: brick or stone faced wall panels and landscape planters as well as applied masonry sculptural elements denoting marine and nautical themes.

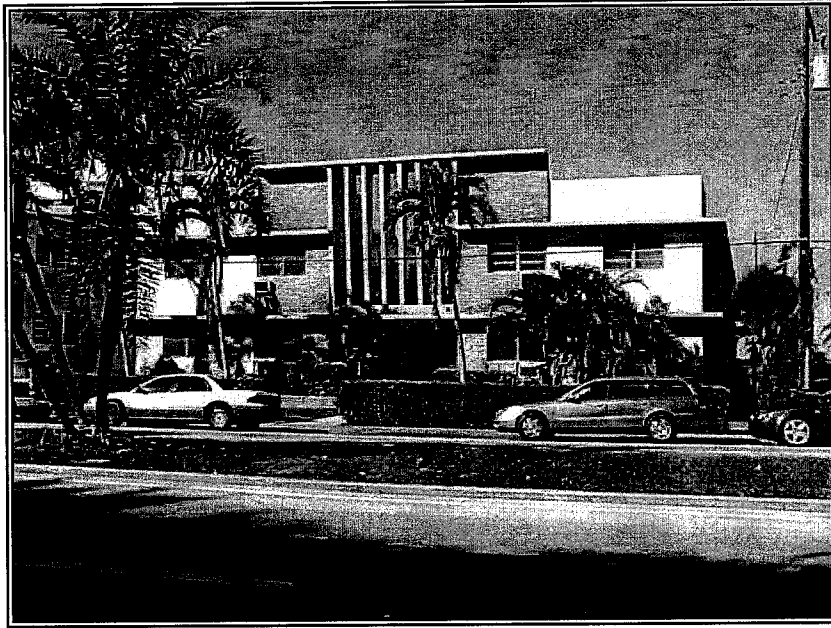
The Post War Modern style has come of age as a contributing historical style in Miami Beach. It is now enjoying a greatly expanded appreciation as an architectural movement of historical importance both here as well as in other cities across the nation, including New York, Los Angeles, and Miami. Strong evidence of this phenomenon was the exhibit in New York City (March 13 - May 8, 2002) entitled, "Beyond the Box: Mid-Century Modern Architecture in Miami and New York." It was co-presented by the Urban Arts Committee of Miami Beach and the Municipal Arts Society of New York City (the latter is credited with saving New York's Grand Central Terminal from demolition in the 1960s as well as dozens of other historic structures since 1897). This fabulous exhibit attracted much publicity and helped to raise awareness of the special qualities of Post War Modern architecture in South Florida, in particular Miami Beach, and in New York City. More recently, the first book devoted solely to the Post War Modern architectural movement in South Florida was published in 2004. Written by Eric Nash and Randall Robinson, Jr., MiMo: Miami Modern Revealed has been well received as a significant body of emerging historic architecture.

South Florida's Post War Modern architecture has been compared to the Doo Wop style of resort hotels in several Atlantic coastal towns in New Jersey as well as the Googie style reflected in coffee shops, drive-ins, and motels in Southern California and the American Southwest. Unfortunately, these fabulous Post War Modern style buildings are being demolished at an alarmingly rapid rate in South Florida and elsewhere in the country. Whatever spirited label the style may be given (Post War Modern, MiMo, Doo Wop, Googie, or simply Mid-Century Modern Architecture), the architecture of this unique period must be afforded protection in Miami Beach. There was indeed much to be celebrated in the years following the victory in World War II. These mid-century structures represent the physical memory of the spirit of optimism and sense of fun and joy, which played such a major role in our City's spectacular recovery after the war.

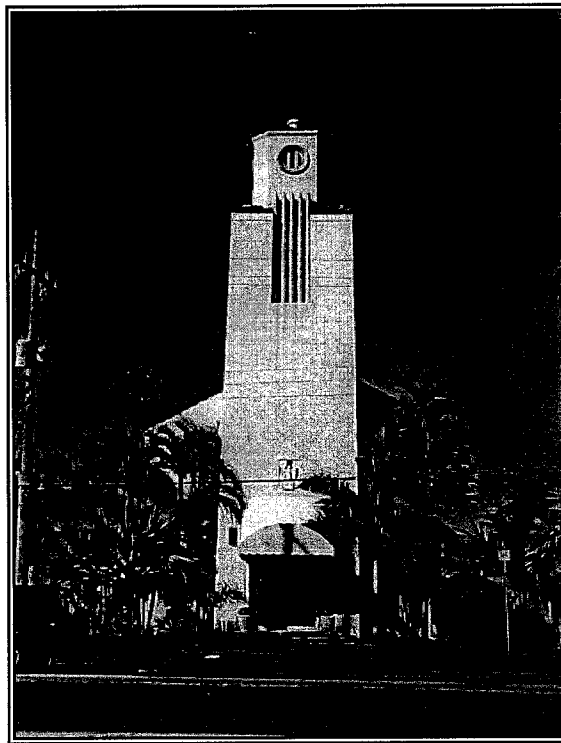
Examples of Contributing Structures designed in the Post War Modern or MiMo style in the proposed Flamingo Waterway Historic District include the following:

Surprise Lake Apartments (now Esquire House) at 4710-4720 Pinetree Drive;  
Pinetree Apartments (now Lighthouse) 4730-4740 Pinetree Drive;  
St. John's on the Lake First United Methodist Church at 4760 Pinetree Drive;  
Lake View Apartments (now Pinetree Palms) at 4780 Pinetree Drive; and  
4800 Pinetree Drive.

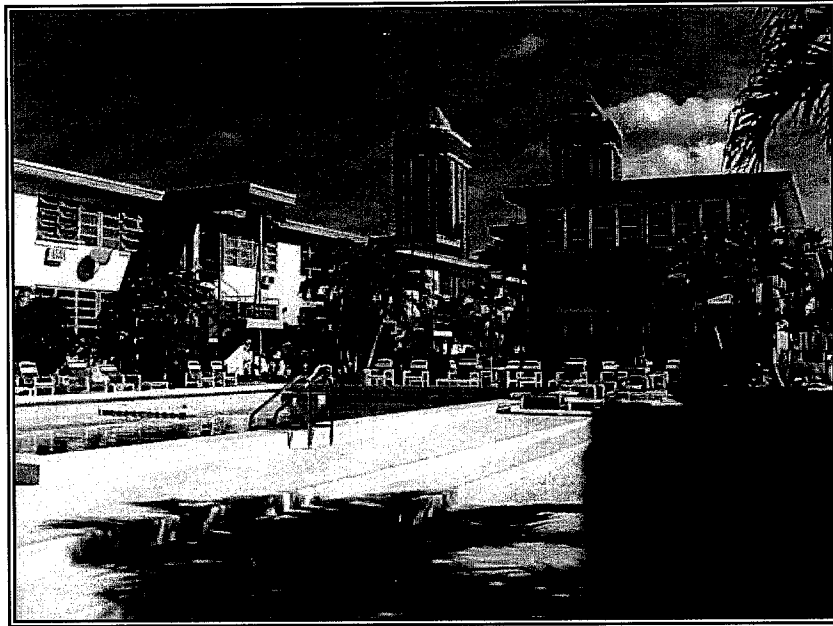
(Refer to **Figures 20 through 24** for current photos of these structures.)



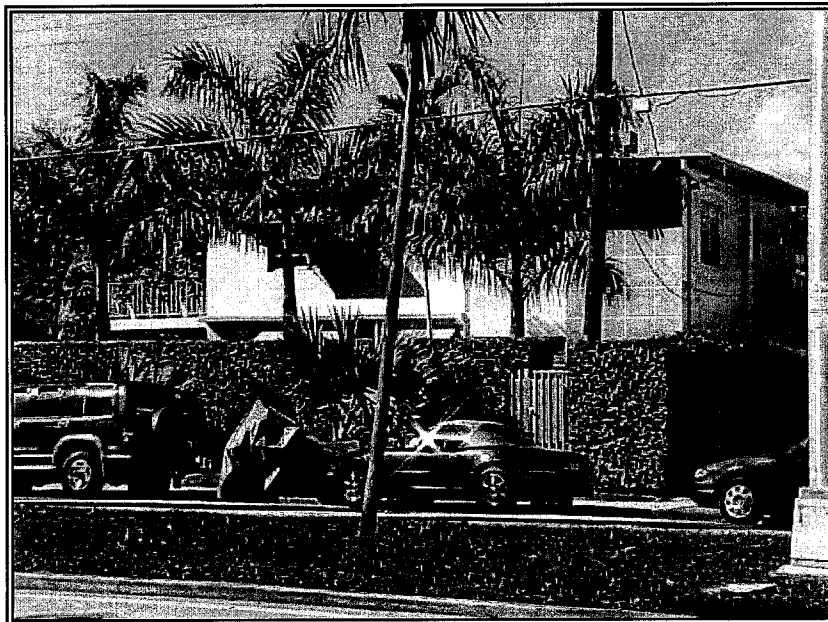
**Figure 20** Built in 1948, the Pinetree Apartments (now Lighthouse) at 4730-4740 Pinetree Drive was designed by Norman M. Giller in the Post War Modern style. Notice that the pair of bar-shaped building wings is connected by a grand "proscenium" with vertical fins, panels of fieldstone, and continuous eyebrows.



**Figure 21** Built in 1949, St. John's Methodist Church at 4760 Pinetree Drive was designed by A. Hensel Fink and Robert M. Little in the Post War Modern style. It features a smooth stucco surface, simple design lines, and strong vertical fins in the steeple. St. John's was recognized for its layout and design by the Church Architectural Guild of America at their annual meeting in 1953.



**Figure 22** Built in 1950, the Surprise Lake Apartments (now Esquire House) at 4710-4720 Pinetree Drive is an ensemble of four, two-story buildings that were designed by M. Tony Sherman in the Post War Modern style. These buildings feature multiple two-story high porticos supported by pipe columns, jalousie and awning style windows, jalousie doors, pipe railings, and flat roofs with boxed eaves. Although not visible in this photo, the two northern buildings (shown above from the opposite side) are connected on the east or front elevation facing Pinetree Drive by a catwalk with a two-story angular pylon in the center.



**Figure 23** Built in 1950, the Lake View Apartments (now Pine Tree Palms) at 4780 Pinetree Drive was designed by Gilbert M. Fein in the Post War Modern style. As seen in the current photo above, the building's front elevation displays a shallow eyebrow and a vertical panel of checkerboard-scored stucco.



**Figure 24** Built in 1953, the apartment house called 4800 Pinetree Drive was designed by Donald Reiff in the Post War Modern style. Notice that the building's front elevation features a dramatic contrast between a pylon with vertical ribs of stucco and a sweeping concave wall with a row of projecting bricks on their narrow ends.



**Figure 25** This current photo shows the Regency House at 353 West 47<sup>th</sup> Street (left). Completed in 1963, the nine-story apartment building was designed by MacKay & Gibbs as a late example of Post War Modern architecture. Due to its scale and late construction date, it has been identified by the Historic Preservation Board as a "non-contributing" property in the proposed historic district. Also seen in this photo is the westernmost structure of the four Surprise Lake Apartment buildings (now Esquire House) at 4710-4720 Pinetree Drive (right).



## **X. PLANNING DEPARTMENT RECOMMENDATIONS**

1. **Criteria for Designation:** The Planning Department finds the proposed Flamingo Waterway Historic District to be in compliance with the Criteria for Designation listed in Section 118-592 in the Land Development Regulations of the City Code.
2. **Site Boundaries:** On December 14, 2004, the Historic Preservation Board reviewed the designation report and adopted the boundaries as recommended by the Planning Department for the proposed Flamingo Waterway Historic District.

On January 25, 2005, the Planning Board reviewed the designation report and adopted the boundaries as recommended by the Historic Preservation Board and Planning Department for the proposed historic district. (Refer to **Section IV, Description of Boundaries**, for more information.)

3. **Areas Subject to Review:** The Planning Department recommends that the areas subject to review shall include all exterior building elevations and public interior spaces, site and landscape features, public open spaces and public rights-of-way, and all vacant or parking lots included within the boundaries of the proposed Flamingo Waterway Historic District. Regular maintenance of public utilities, drainage, and mechanical systems, sidewalks, and roadways shall not require a Certificate of Appropriateness.
4. **Review Guidelines:** The Planning Department recommends that a decision on an application for a Certificate of Appropriateness shall be based upon compatibility of the physical alteration or improvement with surrounding properties and where deemed applicable in substantial compliance with the following:
  - a. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as revised from time to time;
  - b. Other guidelines/policies/plans adopted or approved by resolution or ordinance by the City Commission;
  - c. All additional criteria as listed under Sections 118-564(b) and 118-564(c) in the Land Development Regulations of the City Code;
  - d. City of Miami Beach Design Guidelines as adopted by the Joint Design Review/Historic Preservation Board on October 12, 1993, amended June 7, 1994, as may be revised from time to time.

## XI. FIGURE INDEX

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- Figure 2:** Historical Museum of Southern Florida, Claude Matlack Photo Collection, "Norman Davis," photo no. 117-13, 1923.
- Figure 3:** City of Miami Beach, Planning Department; Atlas of Miami Beach to Golden Beach, Florida (Philadelphia, Pennsylvania: Franklin Survey Company, 1935), plate 10.
- Figure 4:** City of Miami Beach, Planning Department; Plat Book of Miami Beach to Golden Beach, Florida (Philadelphia, Pennsylvania: G.M. Hopkins Company, 1952), plate 17.
- Figure 5:** City of Miami Beach, Planning Department, Zoning Ordinance No. 289, approved by City Council on 3 December 1930, Use District Map, plate 3.
- Figure 6:** Historical Museum of Southern Florida, Claude Matlack Photo Collection, "Robert Law Estate," photo no. 469-2, January 1930.
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- Figure 14:** City of Miami Beach, Planning Department, Flamingo Waterway, photo, 30 December 2003.
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- Figure 17:** City of Miami Beach, Planning Department, Community Center Apartments (now the Berwick Building), 311-335 West 47<sup>th</sup> Street, photo, 30 December 2003.

- Figure 18:** City of Miami Beach, Planning Department, Community Center Apartments (now the Berwick Building), 311-335 West 47<sup>th</sup> Street, photo, 30 December 2003.
- Figure 19:** City of Miami Beach, Planning Department, Joseph H. Assel Residence (now the Parsonage of St. John's Methodist Church), 4764 Pinetree Drive, photo, 30 December 2003.
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- Figure 21:** **(Photo)** City of Miami Beach, Planning Department, St. John's on the Lake First United Methodist Church, 4760 Pinetree Drive, photo, 30 December 2003.  
**(Text)** Paul N. Jewett, Window and Witness, St. John's on the Lake First United Methodist Church, Miami Beach, 1985, p. 20.
- Figure 22:** City of Miami Beach, Planning Department, Surprise Lake Apartments (now Esquire House), 4710-4720 Pinetree Drive, photo, 30 December 2003.
- Figure 23:** City of Miami Beach, Planning Department, Lake View Apartments (now Pine Tree Palms), 4780 Pinetree Drive, photo, 30 December 2003.
- Figure 24:** City of Miami Beach, Planning Department, 4800 Pinetree Drive, photo, 30 December 2003.
- Figure 25:** City of Miami Beach, Planning Department, Regency House, 353 West 47<sup>th</sup> Street, photo, 30 December 2003.

# APPENDIX I

## PROPOSED FLAMINGO WATERWAY HISTORIC DISTRICT PROPERTIES LIST

<u>ADDRESS</u>	<u>BUILDING NAME</u> [original name] current name	<u>USE</u> [original use] current use	<u>ARCHITECT</u>	<u>YEAR BUILT</u>	<u>STYLE</u>	<u>STATUS</u>
<b>WEST 47<sup>TH</sup> STREET</b>						
301	Municipal Parking Lot					
311-335	[Community Center Apartments] Berwick Building ---Remodeling of South and West Elevations	[Commercial/Apts] Mixed Use	Charles L. Inscho	1926	Altered Mediterranean Revival	Contributing
			John & Coulton Skinner	1940	Modest Streamline Moderne	
353	[Regency House]	[Apartments] Apartments	MacKay & Gibbs	1962	Post War Modern	Non-Contributing
<b>PINETREE DRIVE</b>						
4710-4720	[Surprise Lake Apartments] Esquire House ---Site Includes Four Buildings	[Apartments] Co-operative	M. Tony Sherman	1950	Post War Modern	Contributing
4730-4740	[Pinetree Apartments] Lighthouse Apartments	[Apartments] Co-operative	Norman M. Giller	1948	Post War Modern	Contributing
4742	Private Parking Lot					
4760	[St. John's on the Lake First United Methodist Church] ---Rear Addition	[Church] Church	A. Hensel Fink/Robert M. Little	1949	Post War Modern	Contributing
			Alexander Lewis	1958	Post War Modern	
4764	[J.H. Assel (original owner)] Parsonage of St. John's on the Lake First United Methodist Church	[Single-Family Home] Parsonage	Russell T. Pancoast	1934	Mediterranean Revival/ Art Deco Transitional	Contributing

<u>ADDRESS</u>	<u>BUILDING NAME</u> [original name] current name	<u>USE</u> [original use] current use	<u>ARCHITECT</u>	<u>YEAR BUILT</u>	<u>STYLE</u>	<u>STATUS</u>
<b>PINETREE DRIVE (Continued)</b>						
4780	[Lake View Apartments] Pine Tree Palms	[Apartments] Condominium	Gilbert M. Fein	1950	Post War Modern	Contributing
4790-4800	4800 Pinetree Drive	[Apartments] Condominium	Donald Reiff	1953	Post War Modern	Contributing
4812	[Anglers Apartments]	[Apartments] Apartments	Charles L. Inscho	1926	Mediterranean Revival	Contributing
4816	Private Parking Lot					

# CITY OF MIAMI BEACH

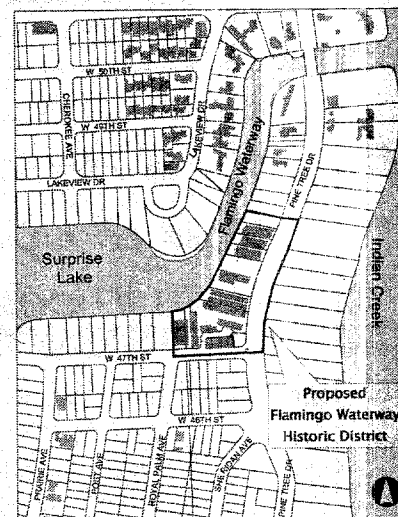
## NOTICE OF PUBLIC HEARING

### NOTICE OF ZONING MAP CHANGE



The City of Miami Beach proposes to adopt the following Ordinance:

**An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, Amending the Land Development Regulations of the Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; Amending Section 118-593(e), "Delineation on Zoning Map"; Amending Section 118-593(e)(2), "Historic Preservation Districts (HPD)" by Designating the Flamingo Waterway Historic District, Consisting of a Certain Area Which Is Generally Bounded by the Center Line of West 47th Street to the South, the Eastern Right-of-Way Line of Pinetree Drive to the North, the Western Lot Line of 353 West 47th Street to the West, and the Eastern Bulkhead Lines of the Flamingo Waterway and Lake Surprise to the Northwest, as More Particularly Described Herein; Providing that the City's Zoning Map Shall Be Amended to Include the Flamingo Waterway Historic District; Adopting the Designation Report Attached Hereto as Appendix "A"; Providing for Inclusion in the Land Development Regulations of the City Code, Repealer, Severability, and an Effective Date.**



PUBLIC NOTICE IS HEREBY GIVEN that a first and only reading public hearing on the Ordinance will be held by the City Commission on **Wednesday, April 20, 2005, at 5:05 p.m., or as soon thereafter as possible, in the City Commission Chambers**, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

The historic district proposed for designation is shown on the Map within this Zoning Map Change.

**All persons** are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the Miami Beach City Commission c/o the City Clerk, 1700 Convention Center Drive, First Floor, City Hall, Miami Beach, Florida 33139.

The Ordinance and other related materials regarding the proposed historic district are available for public inspection during normal business hours in the City Clerk's Office. Inquiries may be directed to the Planning Department at (305) 673-7550. The hearing on this Ordinance may be continued at this meeting and, under such circumstances, additional legal notice would not be provided. Any person may contact the City Clerk's Office at (305) 673-7411 for information as to the status of the Ordinance as a result of the meeting.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: If a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City of the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

**Ad #0303**

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CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY



**Condensed Title:**

Housing for low and moderate income elderly: Creating Division 6, "Housing for low and/or moderate income elderly," Chapter 142, by establishing a purpose, definitions, minimum and maximum unit size of 550 square feet, and mandatory criteria for new construction or rehabilitation of housing units for the elderly.

**Issue:**

Should the development regulations for low and moderate income elderly be amended?

**Item Summary/Recommendation:**

The Administration recommends that the City Commission approve the proposed ordinance and set a second reading public hearing,

**Advisory Board Recommendation:**

At the March 29, 2005 meeting of the Planning Board, a motion was made and approved by a vote of 6-0 to recommend to the City Commission approval of the ordinance.

**Financial Information:**

Source of Funds:		Amount	Account	Approved
<div><div></div><div>Finance Dept.</div></div>	1			
	2			
	3			
	4			
	Total			

**City Clerk's Office Legislative Tracking:**

Mercy Lamazares/Jorge Gomez

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM

17SD

DATE

4-20-05



# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**First Reading**

**Subject:** Elderly Housing

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE IV. "SUPPLEMENTARY DISTRICT REGULATIONS," BY CREATING DIVISION 6. "HOUSING FOR LOW AND/OR MODERATE INCOME ELDERLY," CREATING SECTION 142-1181, "PURPOSE," SECTION 142-1182 "DEFINITIONS," SECTION 142-1183, "UNIT SIZE," AND SECTION 142-1184 "MANDATORY CRITERIA," AMENDING DIVISION 3. "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II. "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV. "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," SUBDIVISION V. "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," DIVISION 4. "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," DIVISION 5. "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," DIVISION 6. "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AND DIVISION 18. "PS PERFORMANCE STANDARD DISTRICT," BY INCLUDING REFERENCES TO DIVISION 6. "HOUSING FOR LOW AND/OR MODERATE INCOME ELDERLY." PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

### **ADMINISTRATION RECOMMENDATION**

The Administration recommends that the City Commission approve the proposed ordinance on first reading and set a second reading public hearing.

### **BACKGROUND**

The Housing Authority of the City of Miami Beach requested that the City Commission look at the issue of housing for low and moderate income elderly, and how by revising the Land Development Regulations of the City Code as it pertains to minimum and average unit size could help facilitate this type of development. At the January 12, 2005 meeting the Commission referred this issue to the Land Use and Development Committee (LUDC) for discussion. At its February 14, 2005, the LUDC discussed this issue and approved in

concept the ordinance presented for review and by a 3-0 vote, and to send it to the Planning Board for review and recommendation; this item was formally referred to the Planning Board at the February 23, 2005 Commission meeting.

## **ANALYSIS**

This ordinance will facilitate new construction or rehabilitated housing units and provide for clean, secure and dignified housing for low and/or moderate income elderly. In this regard, and to include safeguards for this type of development, the proposed ordinance consists of the following sections: Purpose, Definitions, Unit Size, and Mandatory Criteria. These sections are further explained below.

Currently, the City Code does not have any provisions for new construction of residential units that are intended for specific groups such as the low/moderate income elderly. The existing requirement applies to all residential developments and makes no distinction for these specific groups - all new construction must meet a minimum unit size of 550 square feet and an average unit size of 800 square feet. In the area south of 6<sup>th</sup> Street, the minimum requirements range from 550 square feet to 700 square feet and the average range from 800 to 900 square feet for new construction. The minimum and average unit size for rehabilitated buildings is 400 and 550 respectively throughout the City. This proposal amends the minimum and average unit size for new construction to 550 square feet; however the existing regulations for rehabilitated buildings remain as they are. The number of units that could be built under the proposed amendment would increase approximately 30-40% depending on the zoning district; more in the area south of 6<sup>th</sup> Street because of the larger minimum and maximum unit size requirement currently existing in the City Code.

Similar to the reduced parking requirements for elderly housing (approved by the Commission in May 2003), one of the concerns is to ensure that this type of development remains targeted to the elderly and does not become an open door for developers to avail themselves of these proposed regulations and abandon the specific targeted population. In this regard, the stated purpose of this regulation is to provide clean, secure and dignified housing for the elderly. Definitions that clarify the targeted population age, household and low and moderate income limits based on HUD regulations have been incorporated (some of these definitions appear in Chapter 420.503 of the Florida Statutes).

Any amendment to the City Code with regard to elderly housing developments would have to require some type of restrictive covenant to ensure the intended use is provided for a significant period of time. To that effect, mandatory criteria have been incorporated into the ordinance that requires, among other things, a covenant running with the land restricting the use of the property for housing for low and/or moderate income elderly for a period of no less than 30 years. This covenant is to be executed by the owner of the property, approved as to form and content by the city attorney, and recorded in the public records of Miami-Dade County.

With regard to concerns of discrimination, Chapter 760, FS provides for exemption of housing intended for, and solely occupied by persons 62 years of age or older. U. S. HUD prohibits discrimination based on your race, color, national origin, religion, sex, family status, or disability and proclaims this illegal by federal law; however, housing for the elderly is not affected.

### **PLANNING BOARD ACTION**

At the March 29, 2005 meeting of the Planning Board, a motion was made and approved by a vote of 6-0 to recommend to the City Commission approval of the ordinance with a minor modification to the language relative to the change to other use after 30 years. The modification clarifies the existing language and has been incorporated in the ordinance.

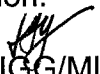
### **FISCAL IMPACT**

This proposal has no associated negative fiscal impact upon enactment.

### **CONCLUSION**

Pursuant to Section 118-164(3), when a request to amend the Land Development Regulations of the City Code does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least two separate days and shall, at least ten days prior to adoption, be noticed once in a newspaper of general circulation in the city.

Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

  
JMG/TH/JGG/ML

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE IV. "SUPPLEMENTARY DISTRICT REGULATIONS," BY CREATING DIVISION 6. "HOUSING FOR LOW AND/OR MODERATE INCOME ELDERLY," CREATING SECTION. 142-1181, "PURPOSE," SECTION 142-1182 "DEFINITIONS," SECTION 142-1183, "UNIT SIZE," AND SECTION 142-1184 "MANDATORY CRITERIA;" AMENDING DIVISION 3. "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II. "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SUBDIVISION IV. "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," SUBDIVISION V. "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," DIVISION 4. "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," DIVISION 5. "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," DIVISION 6. "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AND DIVISION 18. "PS PERFORMANCE STANDARD DISTRICT," BY INCLUDING REFERENCES TO DIVISION 6. "HOUSING FOR LOW AND/OR MODERATE INCOME ELDERLY." PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

**WHEREAS**, it is necessary to review development regulations from time to time and adapt those regulations to changing needs; and

**WHEREAS**, there is a need to facilitate and provide for clean, secure and dignified housing for low and/or moderate income elderly; and

**WHEREAS**, the current development regulations may hinder the availability of low or moderate income housing for the elderly; and

**WHEREAS**, the Land Development Regulations of the City Code do not contain any references to housing regulations of the elderly; and

**WHEREAS**, the proposed regulations would facilitate new construction or rehabilitated housing units for this type of development; and

**WHEREAS**, these proposed regulations will not affect the general health, safety and welfare of the residents of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.** That Article IV. "Supplementary District Regulations," is hereby amended as follows:

Division 6. ~~Reserved\*~~ Housing For Low And/Or Moderate Income Elderly

#### Section 142-1181. Purpose.

The purpose of this division is to create definitions and mandatory requirements for new construction or rehabilitation of housing units for low and/or moderate income elderly in order to facilitate and provide for clean, secure and dignified housing.

#### Section 142-1182. Definitions

For purposes of these regulations, the following definitions shall apply:

- *Elderly Person* is a person who is at least 62 years of age.
- *Elderly Household*: a one or two person household in which the head of the household or spouse is at least 62 years of age.
- *Low Income*: Households whose incomes do not exceed 50 percent of the median income for the area as determined by U. S. Department of Housing and Urban Development.
- *Moderate Income*: Households whose incomes are between 51 percent and 80 percent of the median income for the area as determined by U. S. Department of Housing and Urban Development.
- *Housing for low and/or moderate income elderly is not*: homes or institutions for the aged, which are primarily assisted living facilities, convalescent or nursing homes.

#### Section 142-1183. Unit Size.

The minimum and average unit size for new construction for low and/or moderate income elderly housing meeting the mandatory criteria of Section 142-1184 shall be 550 square feet in all multifamily and commercial districts. The minimum and average unit size for rehabilitated buildings for this type of development shall be 400 square feet in all multifamily and commercial districts. Nonconforming buildings shall comply with the regulations set forth in Section 118-395, "Destruction, Repair and/or Renovation of Nonconforming Buildings and Uses," with the exception of unit size, which shall be governed by this section.

#### Sec. 142-1184. Mandatory Criteria

Developments qualifying for the minimum and average unit size under this Division shall meet all of the following mandatory criteria:

1. The development shall be publicly owned or nonprofit sponsored and owned, or developed by for-profit organizations utilizing public funds.
2. The applicant shall submit written certification from the corresponding state or federal agency in charge of the program.

3. At the time of development review, the property owner shall submit a statement of intent to construct housing for low and/or moderate income elderly in accordance with this section.
4. A covenant running with the land restricting the use of the property for housing for low and/or moderate income elderly for a period of no less than 30 years shall be executed by the owner of the property, approved as to form and content by the city attorney, recorded in the public records of Miami-Dade County and shall be submitted prior to the issuance of a building permit. The declarations within the covenant are not severable. If a subsequent judicial determination invalidates the age restriction, or the covenant, the city shall not issue a certificate of use and occupancy for a new use until the property owner satisfies the then applicable unit size regulations under this Code.
5. Should the property change from housing for low and moderate income elderly, the property shall comply with all applicable development regulations existing at the time of the proposed change, including but not limited to minimum and average unit sizes and parking requirements.

**SECTION 2.** That Subdivision II. RM-1 Residential Multifamily Low Intensity is hereby amended as follows:

**Sec. 142-155. Development regulations and area requirements.**

\* \* \*

- (b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
5,600	50	New construction—550;  <u>Elderly housing: See Section 142-1183</u>  Rehabilitated buildings—400	New construction—800;  <u>Elderly housing: See Section 142-1183</u>  Rehabilitated buildings—550	Historic district—40 (except as provided in section 142-1161) Otherwise—50	Historic district—4 (except as provided in section 142-1161) Otherwise—5

**SECTION 3.** That Subdivision IV. RM-2 Residential Multifamily, Medium Intensity is hereby amended as follows:

**Sec. 142-217. Area requirements.**

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
7,000	50	New construction—550;  <u>Elderly housing - See Section 142-1183</u>  Rehabilitated buildings—400 Hotel unit: 15%: 300--335 85%: 335+	New construction--800;  <u>Elderly housing - See Section 142-1183</u>  Rehabilitated buildings--550 Hotel units--N/A	Historic district--50 (except as provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.--75 Area fronting west side of Collins Ave. btwn. 76th St. and 79 St.--75 Otherwise--60 Lots fronting Biscayne Bay less than 45,000 s.f.--100 Lots fronting Biscayne Bay over 45,000 sq. ft.--140 Lots fronting Atlantic Ocean over 100,000 sq. ft.--140	Historic district--5 (except as provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.--8 Area fronting west side of Collins Ave. btwn. 76th St. and 79 St.--8 Otherwise--6; Lots fronting Biscayne Bay less than 45,000 s.f.--11 Lots fronting Biscayne Bay over 45,000 sq. ft.--15 Lots fronting Atlantic Ocean over 100,000 sq. ft.--15

**SECTION 4.** That Subdivision V. RM-3 Residential Multifamily, High Intensity is hereby amended as follows:

Sec. 142-246. Development regulations and area requirements.

\* \* \*

(b) The lot area, lot width, unit size and building height requirements for the RM-3 residential multifamily, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
7,000	50	New construction—550;  <u>Elderly housing - See Section 142-1183</u>  Rehabilitated buildings--400 Hotel unit: 15%: 300--335 85%: 335+	New construction--800;  <u>Elderly housing - See Section 142-1183</u>  Rehabilitated buildings--550 Hotel units--N/A	150 Oceanfront lots--200 Architectural dist.: New construction--120; ground floor additions (whether attached or detached) to existing structures on oceanfront lots--50 (except as provided in section 142-1161)	16 Oceanfront lots--22 Architectural dist: New construction--13; ground floor additions (whether attached or detached) to existing structures on oceanfront lots--

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
					5 (except as provided in section 142-1161)

**SECTION 5.** That Division IV. CD-1 Commercial, Low Intensity District is hereby amended as follows:

Sec. 142-276. Development regulations.

The development regulations in the CD-1 commercial, low intensity district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
1.0	Commercial--None Residential--5,600	Commercial--None Residential--50	Commercial--N/A New construction--550  Rehabilitated buildings--400  <u>Elderly housing - See Section 142-1183</u>  Hotel unit: 15%: 300--335 85%: 335+	Commercial--N/A New construction--800  Rehabilitated buildings--550  <u>Elderly housing - See Section 142-1183</u>  Hotel units--N/A	40 (except as provided in section 142-1161)	4 (except as provided in section 142-1161)

**SECTION 6.** That Division V. CD-2 Commercial, Medium Intensity District is hereby amended as follows:

Sec. 142-306. Development regulations.

The development regulations in the CD-2 commercial, medium intensity district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
1.5	Commercial--None Residential--7,000	Commercial--None Residential--50	Commercial--N/A New construction--550	Commercial--N/A New construction--800	50 (Except as provided in section 142-1161)	5 (Except as provided in section 142-1161)



Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
			Rehabilitated buildings—400  <u>Elderly housing - See Section 142-1183</u>  Hotel unit: 15%: 300--335 85%: 335+	Rehabilitated buildings—550  <u>Elderly housing - See Section 142-1183</u>  Hotel units--N/A		

**SECTION 7.** That Division VI. CD-3 Commercial, High Intensity District is hereby amended as follows:

Sec. 142-337. Development regulations and area requirements.

\* \* \*

(c) The development regulations in the CD-3 commercial, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
Commercial--None Residential--7,000	Commercial--None Residential--50	Commercial--N/A New Construction--550  Rehabilitated buildings--400  <u>Elderly housing - See Section 142-1183</u>  Hotel unit: 15%: 300--335 85%: 335+	Commercial--N/A New construction--800  Rehabilitated buildings--550  <u>Elderly housing - See Section 142-1183</u>  Hotel units--N/A	75 Oceanfront lots--200; Oceanfront lots within the architectural dist., new construction--120; ground floor additions to existing structures on oceanfront lots--50; 80 - Lots fronting on 17th Street; 50 - Non-oceanfront lots within the architectural district; 100-City Center Area (bounded by Drexel Ave., 16th St., Collins Ave., the south property line of lots fronting on the south side of Lincoln Rd., Washington Rd., and Lincoln Rd.);	Oceanfront lots--22 Oceanfront lots within the architectural dist., new construction--13; ground floor additions to existing structures on oceanfront lots--5 7 Lots fronting on 17th Street 5 Non-oceanfront lots within the architectural dist. 11 City Center Area (bounded by Drexel Ave., 16th St., Collins Ave., the south property line of lots fronting on the south side of Lincoln Rd., Washington Ave., and Lincoln Rd.), subject to the applicable height restrictions (except as provided in section 142-1161)

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
				except the height for lots fronting on Lincoln Rd. and 16th St. between Drexel and Washington are limited to 50' for the first 50' of lot depth; and except the height for lots fronting on Drexel Avenue are limited to 50' for the first 25' of lot depth (except as provided in section 142-1161) - 7	

**SECTION 8.** That Division 18, "PS Performance Standard District," is hereby amended as follows:

Sec. 142-696. Residential Performance Standard Area Requirements.

The residential performance standard area requirements are as follows:

Performance Standard	Residential Subdistricts			
	P-PS1	R-PS2	R-PS3	R-PS4
Minimum lot area	5,750 square feet	5,750 square feet	5,750 square feet	5,750 square feet
Minimum lot width	50 feet	50 feet	50 feet	50 feet
Required open space ratio	0.60, See section 142-704	0.65, See section 142-704	0.70, See section 142-704	0.70, See section 142-704
Maximum building height*	45 feet Lots 50 feet wide or less--35 feet	45 feet Lots 50 feet wide or less--35 feet	50 feet Lots 50 feet wide or less--35 feet	Non-oceanfront--80 feet; Oceanfront--100 feet; except that in the Ocean Beach Historic District--35 feet for the first 60 feet of lot depth, 75 feet thereafter, subject to the line-of-sight analysis of Sec. 142-697(d) Lots 50 feet wide or less--35 feet
Maximum number of stories	5 Lots 50 feet wide or less--4	5 Lots 50 feet wide or less--4	5 Lots 50 feet wide or less--4	Non-oceanfront--8 Oceanfront--11 Lots 50 feet wide or less--4 In the Ocean Beach Historic District--7

Performance Standard	Residential Subdistricts			
	P-PS1	R-PS2	R-PS3	R-PS4
Maximum floor area ratio	1.25	1.50	1.75	2.0
Minimum floor area per apartment unit (square feet); <u>except as provided in 142-1183 for elderly housing.</u>	New construction—700; Rehabilitated buildings--400	New construction—650;  Rehabilitated buildings--400	New construction—600;  Rehabilitated buildings--400	New construction—550;  Rehabilitated buildings--400
Minimum average floor area per apartment unit (square feet); <u>except as provided in 142-1183 for elderly housing.</u>	New construction – 900;  Rehabilitated buildings--550	New construction-- 900;  Rehabilitated buildings--550	New construction-- 850;  Rehabilitated buildings--550	New construction-- 800;  Rehabilitated buildings--550
Minimum floor area per hotel unit (square feet)	N/A	N/A	15% = 300--335 square feet 85% = 335+ square feet	15% = 300--335 square feet 85% = 335+ square feet
Minimum parking	Pursuant to chapter 130 and section 142-705 requirement			
Minimum off-street loading	Pursuant to chapter 130, article III.			
Signs	Pursuant to chapter 138.			
Suites hotel	Pursuant to article IV, division 3 of this chapter.			

## **SECTION 9. Repealer.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

## **SECTION 10. Codification.**

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

## **SECTION 11. Severability.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 12. Effective Date.**

This Ordinance shall take effect ten days following adoption.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**ATTEST:**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY CLERK**


First Reading:

Second Reading:

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

Verified by: \_\_\_\_\_

Jorge G. Gomez, AICP  
Planning Director

  
\_\_\_\_\_  
City Attorney

4-12-05  
Date

Underscore denotes new language

~~Strikethrough~~ denotes deleted language

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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**

**Condensed Title:**

Ordinance amending the Designation Procedures Section of the City Code.

**Issue:**

Amendment to the Designation Procedures Section of the City Code, to create an interim procedure for the designation of structures in order to allow for a public hearing prior to the issuance of a demolition permit.

**Item Summary/Recommendation:**


Under the existing designation section of the City Code, a property must go through at least one advertised public hearing (30 day minimum) before consideration of the designation of a structure or district, and protection from demolition. In order to address this issue, an interim process for demolition permits, where the designation process is initiated with the initial 30 day mail notice requirement replaced with a 5 day published notice, has been developed. This new process will allow for the planning department, at the request of an authorized entity, to prepare a designation report and implement interim procedures for demolition permits, and provide protection for a structure from demolition, in a much shorter timeframe.

The Administration recommends that the City Commission adopt the proposed Ordinance on First Reading and schedule a Second Reading public hearing.

**Advisory Board Recommendation:**

The Planning Board transmitted the proposed Ordinance, with a favorable recommendation, to the City Commission on February 22, 2005. The Historic Preservation Board reviewed the Ordinance on February 8, 2005 and recommended approval. On March 16, 2005, the City Commission referred the proposed Ordinance to the Land Use and Development Committee for further study. On March 28, 2005, the Land Use and Development Committee recommended approval of the Ordinance, with certain modifications.

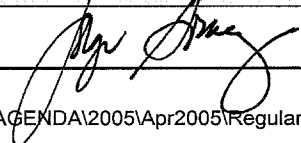
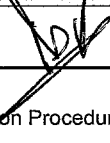
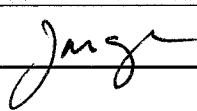
**Financial Information:**

Source of Funds:		Amount	Account	Approved
 Finance Dept.	1			
	2			
	3			
	4			
	Total			

**City Clerk's Office Legislative Tracking:**

Jorge Gomez or Thomas Mooney

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM

RSE

DATE

4-20-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
<http://ci.miami-beach.fl.us>



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members Of The City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**FIRST READING**

**Subject: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, "HISTORIC PRESERVATION", DIVISION 4, "DESIGNATION," SECTION 118-591, BY AMENDING THE PROCEDURES FOR INSTRUCTIONS TO THE PLANNING DEPARTMENT FOR DESIGNATION OF HISTORIC STRUCTURES AND THE ISSUANCE OF DEMOLITION PERMITS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

### ADMINISTRATION RECOMMENDATION

Adopt the proposed Ordinance on first reading and schedule a second reading public hearing.

### OVERVIEW

Under the existing designation section of the City Code, a property must go through at least one advertised public hearing before consideration of designation, and protection from demolition. Often times it takes at least two months to get to this point when a structure is identified as potentially historically significant; in this intervening period the property owner can pull a demolition permit. Pursuant to a referral from the City Commission, as well as a Resolution from the Miami-Dade County Historic Preservation Board encouraging the City to take action, an Ordinance amendment was drafted to narrow the timeframe for providing protection from demolition to structures being considered for designation.

### ANALYSIS

In order to better protect architecturally and historically significant structures that have not been designated, an interim process for demolition permits where the designation process is initiated without notice to the property owner have been developed. This new process

will allow for the planning department, at the request of an authorized entity, to prepare a designation report and implement interim procedures for demolition permits, without notice to the property owner.

The planning department would then prepare an evaluation and recommendation that determines whether the property meets the criteria of the Land Development Regulations for designation. This report would be submitted to the Historic Preservation Board at a meeting noticed in accordance with the Florida Sunshine Law, Section 286.011, Florida Statutes, which essentially means "adequate public notice". If the Historic Preservation Board finds that the evaluation and recommendation satisfies the criteria of the code, it may vote to instruct the department to prepare a designation report, and the existing procedures for the issuance of a demolition permit would be applicable for sixty days from the date of the vote.

These interim procedures would continue to apply thereafter only by a vote by the Historic Preservation Board at a public hearing with a 30 day notice to the property owner and property owners within 375 feet, or by agreement in writing of the property owner.

On February 8, 2005, the Historic Preservation Board reviewed the subject Ordinance and recommended approval. On February 22, 2005, the Planning Board considered the proposed Ordinance Amendment and transmitted it to the City Commission with a favorable recommendation.

On March 16, 2005, the City Commission referred the item to the Land Use and Development Committee for further study. On March 28, 2005, the Land Use and Development Committee endorsed the proposed Ordinance, with the following modifications:

- In the event the historic preservation board is requested to instruct the planning department to prepare a designation report and/or implement interim procedures for demolition permits, the property owner shall be immediately notified in writing.
- The City Commission shall be advised, via an LTC, of any action of the Historic Preservation Board directing the Planning Department to prepare a designation report. A copy of the proposed initial boundaries, as well as the preliminary evaluation, shall be attached to the LTC.
- The planning director, or designee, may prepare and submit to the historic preservation board an evaluation and recommendation for designation at a meeting noticed in a newspaper of general circulation at least five (5) days in advance of the hearing.
- The interim procedures shall not be applicable to the individual designation of single-family homes located in single-family zoning districts.

- The City Commission may, by a 5/7 vote, either modify or deny a request for designation, within 60 days from the date of the vote of the historic preservation board instructing staff to prepare a designation report.

**CONCLUSION:**

The Administration recommends that the Mayor and City Commission adopt the proposed Ordinance on first reading and set a second reading public hearing.

Pursuant to Section 118-164(4) of the City Code, an affirmative vote of five-sevenths shall be necessary in order to enact any amendments to the Land Development Regulations.

JMG:TH:JGG:TRM

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**DEMOLITION PROCEDURES FOR NON-DESIGNATED STRUCTURES**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, "HISTORIC PRESERVATION", DIVISION 4, "DESIGNATION," SECTION 118-591, BY AMENDING THE PROCEDURES FOR INSTRUCTIONS TO THE PLANNING DEPARTMENT FOR DESIGNATION OF HISTORIC STRUCTURES AND THE ISSUANCE OF DEMOLITION PERMITS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

**WHEREAS**, the City of Miami Beach (City) places a strong emphasis on the protection and retention of all architecturally and historically significant structures in the City; and

**WHEREAS**, the City Commission has deemed it in the best interest and welfare of the City to have procedures for the review of non-designated structures that may be proposed for demolition, as well as procedures for the designation of historically and architecturally significant structures as individual historic structures; and

**WHEREAS**, the City Commission has deemed it in the best interest and welfare of the City to adopt procedures to preserve and protect the unique architectural history of Miami Beach; and

**WHEREAS**, the City Commission and the Historic Preservation Board have deemed it necessary to amend the procedures and requirements for the demolition of non-designated structures in order to promote their preservation and protection; and

**WHEREAS**, The City of Miami Beach Historic Preservation and Planning Boards strongly endorse the proposed amendments to the Historic Preservation Section of the Code; and

**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.**

**SECTION 1.** That Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

## DIVISION 4. DESIGNATION

Sec. 118-591. Historic designation procedure.

(a) Requests for designation.

(1) Requests for designation of an individual historic site or district may be made to the historic preservation board by motion of the board, the city manager, by resolution of the planning board or city commission, by any property owner in respect to his own property, by a majority of property owners of record within a proposed district, by resolution of the county historic preservation board, or by resolution of any organization whose purpose is to promote the preservation of historic sites.

(2) Proposals for designation shall include a completed application form available from the planning department.

(3) Fees for requests shall be as follows:

a. A request initiated by any entity other than the city commission, a city board or other city official as set out in subsection 118-591(a)(1) for site designation shall include an application fee as provided in appendix A.

b. A request initiated by any entity other than the city commission, a city board or other city official as set out in subsection 118-591(a)(1) for district designation shall include an application fee per platted lot as provided in appendix A.

(b) Preliminary review. Upon receipt of a completed application and fees, if applicable, the planning department shall prepare an evaluation and recommendation for consideration by the board. After considering the department's recommendation, a majority vote of the board shall be necessary to direct the department to prepare a designation report. The City Commission shall be notified of the board's decision and the initial boundaries proposed for designation. Within 60 days of the vote of the historic preservation board to direct the planning department to prepare a designation report, the City Commission may, by a 5/7 vote, deny or modify the proposed request for designation.

(c) Requests for demolition permits. If, following a vote of the historic preservation board, after a public hearing noticed according to the requirements of section 118-164, to (i) instruct the planning department to prepare a request for the designation of an individual historic site or district and an evaluation and recommendation in accordance with section 118-591, or (ii) to extend the interim procedures imposed under section (d) below, and a permit is sought for demolition affecting the subject structure, or any property within the proposed designation site or district, that permit shall not be issued until one of the following occurs:

(1) The proposed historic preservation designation is approved by the city commission and a certificate of appropriateness is awarded by the board pursuant to division 3 of this article;

(2) The proposed historic preservation designation is denied by the city commission; or

(3) The applicant applies for an accelerated approval of a certificate of appropriateness prior to the final enactment of the historic preservation designation for the proposed site; and such certificate of appropriateness has been issued under the provisions of division 3 of this article. The planning department shall place an application for an accelerated approval of a certificate of appropriateness upon the next available agenda of the historic preservation board.

The applicant or the planning department shall have up to one year, from the date the historic preservation board votes to instruct staff to prepare a designation report, to prepare such report and

present it to the board for consideration. If the designation report is not completed within such one-year period, the applicant or the planning department may request approval from the historic preservation board for additional periods of six months or less within which to complete the report.

(d) Interim procedures for demolition permits. The persons or entities listed in (a)(1) above, may request the board to instruct the planning department to prepare a designation report and implement interim procedures for demolition permits. The planning director, or designee, may prepare and submit to the historic preservation board an evaluation and recommendation for designation at a meeting noticed in a newspaper of general circulation at least five (5) days in advance of the hearing. The property owner shall be notified in writing, by regular mail sent to the address of the owner on the Miami-Dade County Property Appraiser's tax records, and postmarked at least five (5) days in advance of the hearing. The City Commission shall also then be notified. If the historic preservation board finds that the evaluation and recommendation presents a prima facie case that the property meets the criteria of the land development regulations for designation, it shall instruct the planning department to prepare a designation report, in which case the procedures for the issuance of a demolition permit set forth in subsection (c) above, shall be applicable for sixty (60) days from the date of such vote. Within sixty (60) days of the vote by the historic preservation board to instruct the planning department to prepare a designation report the City Commission may, by a 5/7 vote, deny or modify the proposed request for designation. The interim procedures shall continue to apply after the sixty (60) days expires only by a vote of the historic preservation board to proceed with the designation process at a public hearing with notice as provided in subsection (c) above, or by agreement in writing of the property owner. Application and fees, if applicable, shall be filed within ten days of the board's vote at the initial public hearing, but shall not delay commencement of the interim procedures. The interim procedures herein shall not be applicable to the individual designation of single family homes located in single family zoning districts.

(e)-(d) Designation report. The designation report shall describe the historic, architectural and/or archeological significance of the property proposed for historical site or district designation, and recommend evaluation guidelines to be used by the board to evaluate the appropriateness and compatibility of proposed developments affecting the designated site or district. The designation report shall be presented to the board at a public hearing held during a regularly scheduled meeting.

(f)-(e) Public hearing; notification. A public hearing on a proposed historic preservation designation shall be conducted by the historic preservation board after the date a designation report has been filed. The property owners of record within 375 feet of the property proposed for designation shall be notified by mail of the public hearing at least 15 days in advance of the hearing. This notification requirement shall be the responsibility of the applicant.

## **SECTION 2. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 4. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.


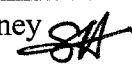
**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney 

4-12-05  
\_\_\_\_\_  
Date

First Reading: April 20, 2005

Second Reading: May 4, 2005

Verified by: \_\_\_\_\_  
Jorge G. Gomez, AICP  
Planning Director

Underscore denotes new language  
4/8/2005

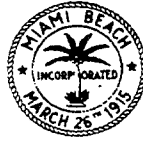
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OFFICE OF THE CITY ATTORNEY

*City of Miami Beach*

F L O R I D A



MURRAY H. DUBBIN  
City Attorney

Telephone: (305) 673-7470  
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: APRIL 20, 2005

TO: MAYOR DAVID DERMER AND  
MEMBERS OF THE CITY COMMISSION

FROM: MURRAY H. DUBBIN  
CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION  
OF THE CITY OF MIAMI BEACH, FLORIDA, REPEALING  
MIAMI BEACH CITY CODE CHAPTER 74, ARTICLE III  
THEREOF ENTITLED "PEDDLERS AND SOLICITORS"; AND  
PROVIDING FOR REPEALER, SEVERABILITY,  
CODIFICATION, AND EFFECTIVE DATE.

---

During the March 16, 2005 City Commission Meeting discussion was had regarding Chapter 74, Article III of Miami Beach City Code entitled "Peddlers and Solicitors", and it was requested by Commissioner Matti Bower that the entire Article be repealed. Accordingly, attached is an Ordinance effecting that repeal which is ready for City Commission review.

MHD/ym



**CITY OF MIAMI BEACH**  
**Office of the Mayor and Commission**  
**Memorandum**

---

**To: JORGE M. GONZALEZ**  
**CITY MANAGER**

**From: MATTI H. BOWER**  
**COMMISSIONER**

A handwritten signature in blue ink, appearing to read "MHB", is written over the name "MATTI H. BOWER".

**Date: April 8, 2005**

**Re: AGENDA ITEM- FIRST READING OF THE REPEAL TO**  
**PANHANDLING ORDINACE**

---

Please place the attached ordinance for reading on the agenda for the April 20<sup>th</sup>, 2005  
Commission Meeting.

**MHB/as**

RECEIVED  
2005 APR -8 AM 11:08  
CITY MANAGERS OFFICE

ORDINANCE NO.: \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REPEALING MIAMI BEACH CITY CODE CHAPTER 74, ARTICLE III THEREOF ENTITLED "PEDDLERS AND SOLICITORS"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

**SECTION 1.** That the following Miami Beach City Code Chapter 74, Article III thereof entitled "Panhandling on Public Property", section 74-76 through and including section 74-79, is hereby repealed in its entirety:

**ARTICLE III. PANHANDLING ON PUBLIC PROPERTY**  
**Sec. 74-76. Definitions.**

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section;~~

~~*Collins Avenue* means the area bounded on the south by Fifth Street and bounded on the north by Tenth Street.~~

~~*Foodstore selling alcoholic beverages* means any food or convenience store which has a license for package sales of alcoholic beverages from the state division of beverages and tobacco in the classification of 1-APS, 2-APS or PS.~~

~~*Lincoln Road* means the area bounded on the west by Alton Road and bounded on the east by Collins Avenue.~~

~~*Ocean Drive* means the area bounded on the south by First Street and bounded on the north by Fifteenth Street, including the strip of beach area extending from First Street to Fifteenth Street.~~

~~*Outdoor café or outdoor restaurant* means a use characterized by outdoor table service of food or beverages prepared for service in an adjacent or attached main structure for consumption on the premises. The term also includes outdoor bars and outdoor ice cream parlors.~~

~~*Package store* means a store primarily engaged in the business of selling alcoholic beverages for off-premises consumption that has a license for package sales of~~



~~alcoholic beverages from the state division of beverages and tobacco in the classification of 1 APS, 2 APS or PS.~~

~~*Panhandling* means begging, asking or soliciting in person for an immediate donation of money or other thing of value for charity or personal gain, either by words, bodily gestures, signs or other means indicating one is seeking an immediate donation or other thing of value.~~

~~*Person* means any individual, school, party, church, religious or other association, organization, trust, foundation, group, association, partnership, corporation, society or other entity.~~

~~*Sidewalk café* means a use located on a public sidewalk which is associated with a full service restaurant where food and beverages are prepared, served and sold and are delivered for consumption on the sidewalk. It is characterized by tables and chairs and may be shaded by awnings, canopies, or umbrellas if permits are obtained for such awnings, canopies or umbrellas. It shall also include the public right of way connecting the main restaurant to the sidewalk café.~~

~~*Solicitations* means all direct person to person requests for immediate contributions in the form of money or other thing of value, for any religious, political, associational, educational, benevolent, health-related, humane, philanthropic, patriotic, or eleemosynary function, event, organization or purpose, or for any charitable cause. The term also includes panhandling or begging.~~

~~*Washington Avenue* means the area bounded on the south by Fifth Street and bounded on the north by Seventeenth Street.~~

#### **Sec. 74-77. Applicability of article.**

~~This section does not affect the city's existing regulations regarding charitable solicitations; non-profit vending or distribution, street performances or art vending or, the prohibition against aggressive or obstructive panhandling.~~

#### **Sec. 74-78. Panhandling/Solicitation Prohibited on Public Property.**

~~Notwithstanding the city's regulations regarding charitable solicitations, it shall be unlawful for any person to panhandle or solicit on public property in the following areas:~~

- ~~(1) — Lincoln Road;~~
- ~~(2) — Ocean Drive;~~
- ~~(3) — Washington Avenue;~~
- ~~(4) — Collins Avenue;~~

- (5) ~~(1)~~ Within ~~ten (10)~~ twenty (20) feet in any direction from the outside perimeter as indicated in the site plan attached to the café permit by any outdoor café, outdoor restaurant, sidewalk café or other establishment serving food or beverages for immediate consumption, unless expressly authorized by the owner, manager or supervisor of the establishment;
- (6) ~~(2)~~ Within ~~ten (10)~~ twenty (20) feet in any direction from the outside perimeter of areas where five or more persons are waiting to gain admission to a place; establishment or public gathering including but not limited to, bar, convention center, concert hall, gallery, motion picture house, public event or performance, nightclub, restaurant, theater;
- (7) ~~(3)~~ Within ~~ten (10)~~ twenty (20) feet in any direction from any entranceway into or exit from any food store selling alcoholic beverages or package store.

#### **Sec. 74-79 Penalties.**

~~Any Person who is observed violating the provisions of Section 74-78 shall be subject to the penalties provided for in Section 1-14 of the Code.~~

### **SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

### **SECTION 3. SEVERABILITY.**

If any section, subsection, clause, or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

### **SECTION 4. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article," or other appropriate word.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.


\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

(Requested by Commissioner Matti H. Bower)  
F:\atto\SACS\ORDINANC\Repealer Panhandling Ordinance.doc

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

      4-7-05  
City Attorney      Date

**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

An Ordinance establishing an anchoring and mooring time limit in the waters of the City of Miami Beach for nonnavigational and live-aboard vessels.

**Issue:**

Shall the Mayor and City Commission approve the Ordinance establishing an anchoring and mooring time limit in the City of Miami Beach?

**Item Summary/Recommendation:**

The Ordinance was prepared as a result of concerns expressed by residents about water pollution, navigational hazards and visual intrusions associated with vessels that anchor and moor for long periods of time in the waters of the City.

The Ordinance regulating anchoring and mooring of vessels within the City limits was discussed at the Neighborhood/Community Affairs Committee meeting on March 29, 2005. The materials considered by the Neighborhood/Community Affairs Committee are included as an Attachment to this agenda item. The Committee recommended that the Ordinance be forwarded to the City Commission for its review and consideration on First Reading.

The vessel anchoring and mooring Ordinance establishes a time limit that any vessel may be anchored or moored within the waters of the City of Miami Beach. State maritime law allows municipalities only to regulate or to limit the anchoring or mooring of non live-aboard vessels when such vessels are not considered to be in-navigation. Technically, in- navigation means the time period in which a vessel is moving from one location to another, including any layovers or temporary anchorages in that time. State law also allows municipalities to regulate live-aboard vessels, which include vessels used as a primary or legal residence. The attached Ordinance defines and establishes a local time limit for when a vessel is, in or not in, navigation and applies that time limit as well to vessels used as a primary or legal residence. The Ordinance limits to a 72 hour period of time for which a vessel might be anchored or moored within the boundaries of the City in a 30 day period.

The Administration recommends if this Ordinance is approved on First Reading, then refer the Ordinance to a Committee, to discuss costs and desired levels of enforcement, before the Second Reading, Public Hearing.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

Finance Dept.

**City Clerk's Office Legislative Tracking:**

Robert C. Middaugh

**Sign-Offs:**

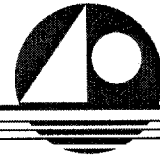
Department Director	Assistant City Manager	City Manager

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AGENDA ITEM R5G  
DATE 4-20-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**FIRST READING**

**Subject:** **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO WATERCRAFT; AMENDING CHAPTER 66 BY ENACTING A NEW SECTION 66-8 REGULATING THE ANCHORING AND MOORING OF WATERCRAFT WITHIN THE BOUNDARIES OF THE CITY; REGULATING ANCHORING OR MOORING FOR NONNAVIGATIONAL, LIVE-ABOARD, AND OTHER PURPOSES; DEFINING NONNAVIGATIONAL PURPOSES AND EXCEPTIONS, AND LIVE-ABOARD; ESTABLISHING A PENALTY FOR VIOLATION; PROVIDING FOR REPEALER OF ALL CONFLICTING ORDINANCES, RULES AND REGULATIONS; PROVIDING FOR CODIFICATION AND A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE.**

### **ADMINISTRATION RECOMMENDATION**

If approved on First Reading, then refer the Ordinance to a Committee, to discuss costs and desired levels of enforcement, before the Second Reading, Public Hearing.

### **BACKGROUND**

Attached please find a copy of an Ordinance for consideration of the City Commission on First Reading which deals with the subject of anchoring and mooring of vessels within the City limits.

The Ordinance was prepared as a result of concerns expressed by residents about water pollution, navigational hazards and visual intrusions associated with vessels that moor for long periods of time in the waters of the City.

The Ordinance regulating anchoring and mooring of vessels within the City limits was discussed at the Neighborhood/Community Affairs Committee meeting on March 29, 2005. The materials considered by the Neighborhood/Community Affairs Committee are included as an Attachment to this agenda item. The Committee recommended that the Ordinance be forwarded to the City Commission for its review and consideration on First Reading.

### **ANALYSIS**

The vessel anchoring and mooring Ordinance establishes a time limit that any vessel may be moored within the waters of the City of Miami Beach. State maritime law allows municipalities only to regulate or to limit the anchoring and mooring of non live-aboard

vessels when such vessels are not considered to be in-navigation. Technically, in-navigation means the time period in which a vessel is moving from one location to another, including any layovers or temporary anchorages in that time. State law also allows municipalities to regulate live-aboard vessels, which include vessels used as a primary or legal residence. The attached Ordinance defines and establishes a local time limit for when a vessel is, in or not in, navigation and applies that time limit as well to vessels used as a primary or legal residence. The Ordinance limits to a 72 hour period of time for which a vessel might be anchored within the boundaries of the City in a 30 day period.

In the Committee discussion regarding the Ordinance, the Committee members were informed that there is a division in case law as to what constitutes a reasonable definition of the time for which a vessel could be considered in or out of navigation. Time limits ranging from the 72 hour standard that is embodied in the Ordinance to a week long period are used by other municipalities within the State with no clear court guidance on what is an acceptable standard.

The Ordinance also incorporates a provision that would allow the City Manager to designate a public anchoring and mooring area subject to rules, regulations and permitting procedures by the City Manager and any other local, state or federal agencies that have jurisdiction. The establishment of an anchoring and mooring area would also be subject to funding approval by the City Commission in the event such a site was to be created.

The designation of an anchoring and mooring area was included in the Ordinance in order to provide vessel operators with an alternative in the event they wish to stay anchored in waters in Miami Beach for more than a 72 hour period.

While a designated anchoring and mooring area may be a feature that the City chooses to offer vessel operators, it is a decision that should be made by the City Commission after a significant amount of public outreach and discussion. The location of an anchoring facility, the costs of development and operation and the types of services or amenities to incorporate are factors that the community and Commission will want to discuss.

If the Ordinance passes on first reading and is referred for further discussion of the fiscal impacts, it is suggested that the anchoring and mooring area provision be amended to reflect enabling the concept discussion with a final policy determination reserved for the City Commission after a public process, rather than established by the City Manager by regulation.

Under separate cover, the Marine Authority will be forwarding a recommendation to the City Commission that supports further exploration of a designated anchoring and mooring field in the event the Ordinance were to be approved by the City Commission.

The Ordinance also makes provisions for exceptions to the 72 hour anchoring limit for a bona fide emergency. Vessels that declare an emergency, which would include weather conditions, are required to notify the City's Marine Patrol upon arrival in the City jurisdictional area and upon correction of the emergency the 72 hour time limit would then apply.

## **FISCAL IMPACT**

During the Committee's discussion of this particular Ordinance a concern was expressed and the Committee requested that the potential costs of enforcement be clearly identified for Commission consideration together with the Ordinance. One of the concerns expressed by Committee members as well as citizens present for the discussion item was that if the Ordinance were to be approved the necessary resources should be provided by the City to actually undertake enforcement of the Ordinance in an effective manner.

In a quick survey in preparation for Commission consideration of this item, the Marine Patrol has established that there are approximately 85 boats at the present time anchored within waters of the City of Miami Beach. Of that number approximately 20 gave the exterior appearance of being lived upon or in some form of navigable capacity, while approximately 65 were clearly not occupied and essentially in storage. The number of boats is lower than normally would be expected in the winter season when the total boat count would increase by 100 to 150 boats, which traditionally anchor within the waters of the City of Miami Beach during that season.

In establishing costs associated with enforcement of the Ordinance, some assumptions had to be made relative to the number of vessels that not only would be tracked and or cited but also might be impounded and stored by the City in the enforcement of the Ordinance. The single largest potential expense of the City is boat storage costs associated with enforcement of this Ordinance.

For purposes of this evaluation, it has been assumed that approximately 70 boats would need to be impounded and stored by the City of Miami Beach in the initial year of the program. This number represents essentially the established inventory plus a few other boats that would be encountered during the course of the year. In subsequent years, it would be anticipated this number would drop significantly and an assumption of 30 boats to be towed and stored by the City could be anticipated.

While the City can attach a lien to the vessels that are towed and stored in enforcing the Ordinance, of the initial inventory of boats it is not expected that the City would achieve a high rate of recovery. The vessels are largely of low value and in a very short period of time the cost of the tow and storage will exceed the value of the boat if the owner can't be found and noticed. As State Statute requires a 90 day notification period for imposition of a lien on a vessel, typically a longer period is required in practice, a total of 120 days of storage was assumed on the average for each of the vessels that are anticipated to be towed and stored in the enforcement of this Ordinance. Sailboats which represent a sizeable percentage of the existing inventory of stored boats represent a specific handling problem since many of the areas which might be used for boat storage on a contract basis from the City will not accept sailboats as they have a keel. This may increase the cost for handling and storage of some of the sailboats which might be towed and stored as part of the enforcement of the Ordinance. The first year charge to the City for storage of vessels towed in the enforcement of the Ordinance is expected to be approximately \$840,000.00 which would drop to approximately \$360,000.00 in the second year of the Ordinance.

The projected vessel storage costs are significant and during the Committee consideration of this Ordinance the possible magnitude of the cost was not known and as such, not discussed. As the method of enforcement can directly affect the amount of cost attributed to storage it is suggested that if adopted on First Reading, the Ordinance is referred again to committee to discuss the cost implications of enforcement and to adjust the Ordinance on Second Reading to fit both the financial and service level expectations. It is possible to avoid this cost entirely if vessels are not towed and stored as part of the enforcement protocol.

The Police Department Marine Patrol would be the primary enforcement agency for the ordinance if adopted. The current staffing assigned to the Marine Patrol is one sergeant and two police officers. The Marine Patrol operates two vessels and in typical deployment one boat is in service and available for response to calls and to patrol on a seven day a week basis. The principal work of the current Marine Patrol officers is to monitor and control speed, to assist with investigations, burglaries and other crimes which have a water orientation. Under the present deployment with one boat, no backup vessel is available to the Marine Patrol in the event such is needed in the course of an enforcement effort.

The Marine Patrol has estimated that in order to enforce the provisions of the Ordinance, two additional full time officers would need to be assigned to the Marine Patrol. The assignment of the two new officers would allow the current contingent of Marine Patrol officers to continue with their current full time duties while the two newly assigned officers would spend full time enforcing the provisions of this Ordinance. The annualized cost of two police officers is approximately \$200,000.00.

While a new vessel is not absolutely required to enable the Marine Patrol to provide an enforcement response under this Ordinance, it would improve their abilities and allow greater support to this Ordinance and to ongoing duties already pursued by the members of the Marine Patrol. No vessel purchase is anticipated in the budget estimate at this time.

In order to enforce the provisions of the Ordinance, much like other regulatory efforts, signage must be provided to advise vessel operators of the anchoring and mooring regulations enforced by the City of Miami Beach. Only the principal navigational channels that access the waters of the City of Miami Beach, approximately 10 locations, would need to have signage with an estimated cost of sign installation of approximately \$20,000.00. A key issue in establishing the signage is that each sign must receive a permit and approval by the Florida Fish and Wildlife Commission in order to be installed by the City. In the event the Florida Fish and Wildlife Commission and or other regulatory agencies such as the Coast Guard had issues or concerns with the Ordinance, or the placements of the City's advisory signs, enforcement of this Ordinance might be complicated.

Below is a summary of the annualized cost in the first year and second year of enforcement efforts associated with this Ordinance. Only the principal charges have been described in the narrative while all other charges such as fuel and boat tow charges are also included in the budget workup.



	<u>First Year</u>	<u>Second Year</u>
Tow Charges	\$ 36,750	\$ 15,750
Vessel Storage	840,000	360,000
Signage Installation	20,000	
Signage Maintenance	10,000	10,000
Fuel	11,500	11,500
Boat Maintenance	10,000	10,000
Personnel	<u>200,000</u>	<u>210,000</u>
<b>TOTAL</b>	<b>\$1,128,250</b>	<b>\$617,250</b>

While the actual budget numbers will fluctuate up or down depending upon actual experience and costs encountered, it would not be anticipated to vary significantly from the number presented in the budget estimate in enforcing the ordinance as presented. As such, as a stand-alone program, this is a relatively significant undertaking for the City of Miami Beach in pursuing enforcement at the service level discussed by the Committee members in the consideration of this Ordinance.

### **CONCLUSION**

The Administration recommends if this Ordinance is approved on First Reading, then refer the Ordinance to a Committee, to discuss costs and desired levels of enforcement and the provision relating to a designated mooring area, before the Second Reading, Public Hearing.

JMG\RCM\sam

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Attachments

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO WATERCRAFT; AMENDING CHAPTER 66 BY ENACTING A NEW SECTION 66-8 REGULATING THE ANCHORING AND MOORING OF WATERCRAFT WITHIN THE BOUNDARIES OF THE CITY; REGULATING ANCHORING OR MOORING FOR NONNAVIGATIONAL, LIVE-ABOARD, AND OTHER PURPOSES; DEFINING NONNAVIGATIONAL PURPOSES AND EXCEPTIONS, AND LIVE-ABOARD; ESTABLISHING A PENALTY FOR VIOLATION; PROVIDING FOR REPEALER OF ALL CONFLICTING ORDINANCES, RULES AND REGULATIONS; PROVIDING FOR CODIFICATION AND A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission finds and declares that the proliferation of watercraft in use for residential purposes or otherwise stored in the waters of Biscayne Bay within the boundaries of the City have had and have a deleterious effect upon the health, safety and welfare of the residents of the City in that they potentially serve as a source for pollution and contamination through discharge of human waste as well as garbage, refuse, debris, oil and other obnoxious products; constitute aesthetic pollution, being unsightly and interfering with views and enjoyment by the public of the beautiful vistas of Biscayne Bay; constitute nuisance and invasions of the privacy of homeowners and other residents of property adjacent or proximate to the Bay and other waterbodies; constitute a threat to the safety, health and welfare of residents of the City through unregulated activity upon and aboard such watercraft; and numerous other problems and disadvantages which adversely affect the quality of life of the residents and visitors to the City; and

**WHEREAS**, it is the intent of the City to mitigate the adverse impacts of anchored or moored watercraft, recognizing that the State of Florida has established a preemption of certain functions under Section 327.60 Florida Statutes and the Florida Administrative Code R68D-23.101(3), which address vessels in navigation but permit local regulation of vessels not "in navigation"; and

**WHEREAS**, the Attorney General has opined, AGO 85-45, that "vessels which are used as a person's primary residence may be 'live-aboard vessels' for purposes of municipal regulation permitted by Section 327.60(2), F.S., even though they are not used solely as a residence but are also used for recreational purposes, if such vessels are represented as such person's 'legal residence' pursuant to § 327.02[(16)](b), F.S. [], and that the determination of whether such vessels are represented as a person's legal residence may be based on a combination of the person's subjective intent and objective facts," and

**WHEREAS**, the City has conducted studies and observed the advent of vessels not in navigation and of vessels upon which persons are residing; and

**WHEREAS**, the City has determined that vessels anchored or moored within the jurisdictional waters of the City on which persons are residing as their primary residence for more than 72 hours constitutes a legal residence for purposes of this ordinance, and such vessels are “live-aboards” within the jurisdiction of the City to regulate; and

**WHEREAS**, the City has determined that evidence that vessels anchored or moored within the jurisdictional waters of the City for more than 72 hours constitutes prima facie evidence that such vessels are no longer exercising rights of navigation, and within the jurisdiction of the City to regulate; and

**WHEREAS**, the City has observed the use of anchoring or mooring of vessels within the jurisdictional waters of the City for purposes of storage or avoiding fees associated with marinas or anchorages that are or may be available for their use, and such vessels fall within the jurisdiction of the City to regulate.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND MEMBERS OF THE COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

#### **SECTION ONE.**

Chapter 66 of the Code of Ordinances of the City is hereby amended by the addition of a new section 66-8 to read:

#### **Sec. 66-8 Limitations on anchoring or mooring within city limits.**

(a) Purpose. This ordinance is adopted for the following purposes and reasons:

(1) The City Commission finds and declares that the proliferation of watercraft in use for residential purposes or otherwise stored in the waters of Biscayne Bay within the boundaries of the City have had and have a deleterious effect upon the health, safety and welfare of the residents of the City in that they potentially serve as a source for pollution and contamination through discharge of human waste as well as garbage, refuse, debris, oil and other obnoxious products; constitute aesthetic pollution, being unsightly and interfering with views and enjoyment by the public of the beautiful vistas of Biscayne Bay; constitute nuisance and invasions of the privacy of homeowners and other residents of property adjacent or proximate to the Bay; constitute a threat to the safety, health and welfare of residents of the City through unregulated activity upon and aboard such watercraft; and numerous other problems and disadvantages which adversely affect the quality of life of the residents and visitors to the City; and

(2) It is the intent of the City to mitigate the adverse impact of anchored or moored watercraft, recognizing that the State of Florida has established a preemption of certain functions under Section 327.60 Florida Statutes and the

Florida Administrative Code R68D-23.101(3), which address vessels in navigation but permit local regulation of vessels not "in navigation"; and

(3) The City has conducted studies and observed the advent of vessels not in navigation and of vessels upon which persons are residing.

(4) The Attorney General has opined, AGO 85-45, that "vessels which are used as a person's primary residence may be 'live-aboard vessels' for purposes of municipal regulation permitted by Section 327.60(2), F.S., even though they are not used solely as a residence but are also used for recreational purposes, if such vessels are represented as such person's 'legal residence' pursuant to § 327.02[(16)](b), F.S. [], and that the determination of whether such vessels are represented as a person's legal residence may be based on a combination of the person's subjective intent and objective facts."

(5) The City has determined that vessels anchored or moored within the jurisdictional waters of the City on which persons are residing as their primary residence or for more than 72 hours constitutes a legal residence for purposes of this ordinance, and such vessels are "live-aboards" within the jurisdiction of the City to regulate.

(6) The City has determined that evidence that vessels anchored or moored within the jurisdictional waters of the City for more than 72 hours constitutes prima facie evidence that such vessels are no longer exercising rights of navigation, and within the jurisdiction of the City to regulate.

(b) Definitions. For purposes of this section, the following definitions shall apply:

(1) A vessel not "in navigation," or "not engaged in the exercise of the rights of navigation," is defined as one that has been anchored within the boundaries of the city for seventy-two (72) hours within a thirty-day period.

(2) A "non-live aboard vessel" shall be a vessel that does not fall within the definition of live-aboard vessel as set forth in section 327.02(16), Florida Statutes, namely: "Live-aboard vessel" means: (a) Any vessel used solely as a residence; or (b) Any vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence. A commercial fishing boat is expressly excluded from the term "live-aboard vessel."

(3) The fact of whether a vessel is a person's or persons' "legal residence," and therefore a "live-aboard vessel" under this ordinance shall be established by evidence that the person is or persons are using the vessel as his, her or their primary residence, including evidence of a combination of the person's or persons' subjective intent and objective facts, including the fact that the vessel on which the person is or persons are residing has been anchored or moored

within City limits for 72 hours, or that the person has or persons have no other arrangements for residence in the area.

- (c) Non-live aboard vessels not in navigation, or not engaged in the exercise of the rights of navigation, or live-aboard vessels being used as a person's primary or legal residence, are prohibited from anchoring or mooring within the boundaries of the city for more than seventy-two (72) hours within a thirty-day period, except as hereinafter provided.
- (d) This section shall not apply to non-live-aboard vessels exercising rights of navigation, or vessels (whether non-live-aboard or live-aboard): (i) responding to a bona-fide emergency on their vessel, such as failure of the vehicle to operate, or injury or illness suffered by the vessel's operator, or during the period when a hurricane warning watch or warning or other dangerous weather condition is in effect; (ii) located within designated anchoring and mooring areas; or (iii) moored to or docked at private property with the consent of the property owner, whether or not also anchored to secure the vessel.
- (e) In the event of an emergency, as provided for in subsection (d) above, the owner or occupant of the vessel shall immediately contact the city's marine patrol, and inform them of the nature of the emergency and the amount of time required to remedy the situation. Upon the abatement of the emergency, compliance with this ordinance is required.
- (f) The city manager, or designee, may designate public anchoring and mooring areas, subject to rules, regulations and permitting procedures established by the city manager and such other local, state or federal agencies with jurisdiction.
- (g) Any vessel violating this section shall be subject to removal and impoundment, and operators of such vessels may be charged with a non-criminal (civil) infraction pursuant to section 327.73, Florida Statutes, by any law enforcement agency with jurisdiction to enforce this ordinance (enforcing agency). Forty-eight hours prior to removal and impoundment the enforcing agency shall post notice of violation on the vessel to be impounded, to afford the operator the opportunity to move the vessel from city limits or to a lawful location. Within five days following removal, the enforcing agency shall provide written notice to the registered or documented owner at his/her/its address of record as to where and how the vessel can be recovered. The owner of the vessel shall be responsible for all costs for removal and impoundment of the vessel, which shall become a lien upon and against the vessel and which shall be paid prior to release of the vessel to the owner or agent.

### **SECTION THREE. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

**SECTION FOUR. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION FIVE. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION SIX. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

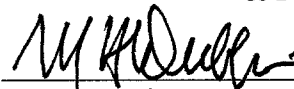
**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

**ATTEST:**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY CLERK**

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

 4-12-05  
\_\_\_\_\_  
City Attorney Date

First Reading:  
Second Reading:

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Neighborhood/Community Affairs Committee Meeting  
March 29, 2005  
ITEM # 2

**DISCUSSION REGARDING AN ORDINANCE RELATING TO WATERCRAFT;  
AMENDING CHAPTER 66 BY ENACTING A NEW SECTION 66-8 REGULATING  
THE MOORING AND ANCHORING OF WATERCRAFT WITHIN THE  
BOUNDARIES OF THE CITY; PROHIBITING ANCHORING OR MOORING FOR  
NONNAVIGATIONAL PURPOSES; DEFINING NONNAVIGATIONAL  
PURPOSES; ESTABLISHING A PENALTY FOR VIOLATION; PROVIDING FOR  
REPEALER OF ALL CONFLICTING ORDINANCES, RULES AND  
REGULATIONS; PROVIDING FOR CODIFICATION AND A SEVERANCE  
CLAUSE; AND SETTING AN EFFECTIVE DATE.**

Item referred at the February 23, 2005 City Commission meeting.

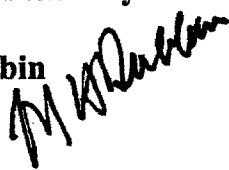
Gary Held, First Assistant City Attorney  
Jorge Gomez, Director – Planning Department

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M  
#2

**CITY OF MIAMI BEACH**  
**Office of the City Attorney**  
**Memorandum**

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**To:** Members of the Neighborhoods Committee      **DATE:** March 18, 2005  
And Members of the City Commission

**From:** Murray H. Dubbin  
City Attorney 

**Subject:** Ordinance: Anchoring Within Jurisdictional Limits Of City

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This matter was placed on the Neighborhood's Committee Agenda by request of Commissioner Smith and action of the City Commission at its meeting of February 23, 2005.

The following additional documentation is provided as background:

1. Updated version of Miami Beach draft ordinance.
2. Memorandum of Commissioner Smith dated February 4, 2005, "Mooring and Anchoring of Vessels," with draft ordinance.
3. Memorandum of Commissioner Smith dated July 21, 2004, "Referral to Marine Authority and Neighborhoods Committee," with attached letter from Ronald Kreingold dated March 29, 2004 and letter from the Palm, Hibiscus, Star Islands Association. Also attached is the report to Neighborhood/Community Affairs Committee on September 29, 2004 of the results of a Marine Authority Meeting of July 28, 2004.
4. Memorandum of City Attorney's Office dated March 31, 2003, "Local Regulation of Anchoring," detailing communications with legal counsel to the Florida Fish and Wildlife Commission and the jurisdictional issues involving Section 327.60(2), Florida Statutes.
5. Letter from Mark Gold concerning anchoring near Rivo Alto Island and DiLido Island.
  - a. Proposed Public Anchorage ordinance
  - b. Fort Lauderdale
  - c. Boca Raton
  - d. Clearwater
  - e. Monroe County



6. A portion of the research paper from the Center for Governmental Responsibility at University of Florida, entitled: "Anchoring Away: Government Regulation and the Rights of Navigation in Florida. The paper discusses the jurisdictional issues referenced in item #2 above. The paper also reports on two circuit court cases in Florida wherein opposite conclusions were reached concerning whether a local government could adopt a definition of navigation that results in enforcement of a local ordinance regulating anchoring, and other means of addressing the issue.

7. Ordinance of Riviera Beach.

The City of Miami Beach addresses some of the docking issues in Chapter 66, City Code.

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Updated version of draft Miami Beach ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO WATERCRAFT; AMENDING CHAPTER 66 BY ENACTING A NEW SECTION 66-8 REGULATING THE MOORING AND ANCHORING OF WATERCRAFT WITHIN THE BOUNDARIES OF THE CITY; PROHIBITING ANCHORING OR MOORING FOR NONNAVIGATIONAL PURPOSES; DEFINING NONNAVIGATIONAL PURPOSES; ESTABLISHING A PENALTY FOR VIOLATION; PROVIDING FOR REPEALER OF ALL CONFLICTING ORDINANCES, RULES AND REGULATIONS; PROVIDING FOR CODIFICATION AND A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission finds and declares that the proliferation of watercraft in use for residential purposes in the waters of Biscayne Bay within the boundaries of the City have had and have a detrious effect upon the health, safety and welfare of the residents of the City in that they potentially serve as a source for pollution and contamination though discharge of human waste as well as garbage, refuse, debris, oil and other obnoxious products; constitute esthetic pollution, being unsightly and interfering with views and enjoyment by the public of the beautiful vistas of Biscayne Bay; constitute nuisance and invasions of the privacy of homeowners and other residents of property adjacent or proximate to the Bay; constitute a threat to the safety, health and welfare of residents of the City through unregulated activity upon and aboard such watercraft; and numerous other problems and disadvantages which adversely affect the quality of life of the residents and visitors to the City; and

**WHEREAS**, it is the intent of the City to mitigate the adverse impact of anchored or moored watercraft, recognizing that the State of Florida has established a preemption of certain functions under Section 327.60 Florida Statutes and the Florida Administrative Code R68D-23.101(3) which addresses vessels in navigation but permit local regulation of stationary vessels, not "in navigation"; and

**WHEREAS**, the City has conducted studies and observed the advent of vessels not in navigation.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND MEMBERS OF THE COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION ONE.**

The above findings are adopted and made a part of this Ordinance.

## SECTION TWO.

Chapter 66 of the Code of Ordinances of the City is hereby amended by the addition of a new section 66-8 to read:

### Sec. 66-8 Vessels not in Navigation.

(a) Definitions. For purposes of Section 66-8, the following definitions shall apply:

1. A vessel not "in navigation," or "not engaged in the exercise of the rights of navigation," is defined as one that has been anchored at one or more locations within the boundaries of the city for seven (7) consecutive days.
2. A "non-live aboard vessel" shall be a vessel that does not fall within the definition of live-aboard vessel as set forth in section 327.02(16), Florida Statutes, namely: "Live-aboard vessel" means: (a) Any vessel used solely as a residence; or (b) Any vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence. A commercial fishing boat is expressly excluded from the term "live-aboard vessel."

- (b) A vessel not in navigation, or not engaged in the exercise of the rights of navigation, is prohibited from anchoring or mooring within one or more locations within the boundaries of the city for more than seven (7) consecutive days, provided that such prohibition shall not prevent a non-live aboard vessel from addressing a bona-fide emergency, or locating within designated anchoring and mooring areas. This section shall not apply to vessels significantly moored to or docked at private property with the consent of the property owner, whether or not also anchored to secure the vessel.

## SECTION THREE. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

## SECTION FOUR. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

## SECTION FIVE. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION SIX. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**ATTEST:**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY CLERK**

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading:  
Second Reading:

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2. Memorandum of Commissioner Smith dated February 4, 2005, "Mooring and Anchoring of Vessels," with draft ordinance.

Neighborhood/Community Affairs Committee Meeting  
September 29, 2004  
ITEM # 6

**DISCUSSION REGARDING AN ORDINANCE PROPOSING LIMITS ON LIVE-A-BOARDS AND HOUSEBOATS.**

This Item was referred to the Committee at the July 28, 2004 Commission meeting after being heard at the Marine Authority.

At the September 14, 2004 Marine Authority meeting the results were as follows: Juan Rodriguez made a motion to not support a resolution or ordinance which prohibits live-a-boards on vessels in Miami Beach waters. Ira Nussbaum seconded the motion and it passed unanimously.

Jorge Gomez, Director – Planning Department

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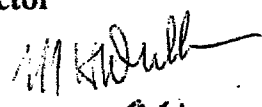

3. Memorandum of City Attorney's Office dated March 31, 2003, "Local Regulation of Anchoring," detailing communications with legal counsel to the Florida Fish and Wildlife Commission and the jurisdictional issues involving Section 327.60(2), Florida Statutes.

**CITY OF MIAMI BEACH**  
**Office of the City Attorney**  
**Memorandum**

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**TO:** Commissioner Richard Steinberg **DATE:** March 31, 2003

**Cc:** Mayor and Members of the City Commission  
Jorge Gonzalez, City Manager  
Robert Middaugh, Assistant City Manager  
Fred Beckmann, Public Works Director

**FROM:** ✓ Murray H. Dubbin, City Attorney   
Gary M. Held, First Asst. City Attorney 

**SUBJECT:** Local Regulation of Anchoring

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In October, 2002, this Office drafted an ordinance at the request of Commissioner Steinberg attempting to address the problem of vessels anchored in the waters of Miami Beach. Based on discussions we had with attorneys for the Florida Fish and Wildlife Commission ("FFWC") on its interpretation of Section 327.60(2), Florida Statutes, which prohibits local governments from "regulating the anchorage of non-live-aboard vessels engaged in the exercise of rights of navigation," consideration of that ordinance was delayed until clarification with the FFWC was sought. We have recently received a response to our request (copies of the request for clarification and response are attached).

The issue we sought to resolve was when a non-live-aboard vessel could be deemed to no longer be engaged in an exercise of rights of navigation so that the City could regulate its anchorage. Legislation adopted by other municipalities attempts to impose a time limitation on anchoring, such that after a fixed period of time the vessel would be deemed to no longer be engaged in navigation, and thus legitimately subject to the city's regulation.

Captain Richard, Assistant General Counsel to the FFWC, states that:

Your city may certainly regulate the anchoring of non-live-aboard vessels that when the owner opts for anchoring as a form of cost-free, long-term storage. Just as vessels laid up for the winter are considered withdrawn from navigation, a vessel owner who anchors his vessel in the bay indefinitely as a means of avoiding dockage fees may well have withdrawn his vessel from navigation. It is certainly likely that he has done so if the vessel is inoperable and unattended for weeks or months at a time. It is less likely when the owner is aboard periodically and



the vessel is maintained in readiness for its next voyage. It is most unlikely that the owner has withdrawn the vessel from navigation if he is preparing the vessel for its next voyage, even if that voyage is not yet scheduled.

My point is that each decision concerning whether a vessel has been withdrawn from navigation (i.e., no longer exercising any rights of navigation) is a very fact specific decision. It is certainly not a decision that can be reduced to solely to a defined period without vessel movement, particularly if that period is measured in hours or days. Notwithstanding that several cities have tried to so ordain, a vessel is not withdrawn from navigation simply because it has been anchored overnight or anchored in excess of 72 hours, 96 hours, two weeks, or some other arbitrarily chosen period.

Capt. Richard then, contemplating the adoption of an ordinance that legitimately may regulate anchorage, refers to certain Florida Administrative Code provisions requiring the marking of waterbodies affected by the ordinance. The letter, however, fails to give guidance on how, in a practical way, an ordinance can be crafted that avoids the prohibition against regulating vessels engaged in navigation without adopting an arbitrary rule violative of the statute.

This office will work with the Administration to further research and address this issue. In the meantime, if you wish to discuss this matter further, please contact me anytime.

OFFICE OF THE CITY ATTORNEY

*City of Miami Beach*

F L O R I D A



**MURRAY H. DUBBIN**  
City Attorney

Telephone: (305) 673-7470  
Telecopy: (305) 673-7002

December 19, 2002

Captain Alan Richard  
Florida Fish & Wildlife  
Conservation Commission  
620 South Meridian Street  
Tallahassee, Florida 32399

Local regulation of anchoring

Dear Capt. Richard:

As I previously explained to you, the City of Miami Beach is considering legislation to regulate anchoring within its city limits. The proposed ordinance would either limit the time a vessel would be allowed to anchor, or prohibit anchoring except in designated anchoring areas.

You have previously discussed with me §327.60(2), Fla. Stat., which provides: "local government authorities are prohibited from regulating the anchorage of non-live-aboard vessels engaged in the exercise of rights of navigation." You advised me that "anchoring" is included in "rights of navigation" and gave a broad interpretation of such right, using the phrase "free anchoring." Basically, you stated that a non-live-aboard vessel can anchor anywhere it wants for as long as it wants. You referred me to the maritime law of the U.S. for clarification of the phrase "rights of navigation."

I have tried to call you to discuss my research, but we have not connected. While there are not many cases discussing "anchoring" together with "rights of navigation," I have found some cases on point. These cases suggest a more narrow right of anchoring under "rights of navigation" that is limited in time, i.e., a temporary right to anchor.

Graf v. San Diego Unified Port District, 1 Cal.Rptr. 2d 530, 535-36 (Cal.Ct.App. 1992) expressly states: "Boaters do not have a constitutional right to unregulated long-term anchorage in public navigable waters." The Graf court refers to two other cases describing the right as "incidental uses of the bottom" and analogous to the right of

1700 Convention Center Drive -- Fourth Floor -- Miami Beach, Florida 33139

Captain Alan Richard  
December 19, 2002  
Page 2

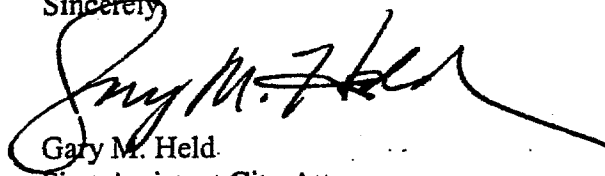
passage over a stream as the public might have to passage over a public road. Graf upholds regulation prohibiting anchoring and mooring except in designated areas of Central San Diego Bay.

Two other cases on this issue refer to the right of anchorage within the public's right of navigation as "the right to anchor boats temporarily." See Jacobs v. Lyon Township, 502 N.W. 2d 382 (Mich. Ct. App. 1993); Higgins Lake Property Owners Assn. v. Lyon Township, 2000 WL 33420196 (Mich. Ct. App. 2000), and cases cited therein.

Under these cases, it would appear that a local government regulation prohibiting long term anchoring within the local government's water bodies, i.e., anchoring that is more than temporary, would be consistent with the prohibition in §327.60(2), Fla. Stat., stated above.

I would appreciate your contacting me to further discuss the above.

Sincerely



Gary M. Held  
First Assistant City Attorney

Cc: Murray H. Dubbin, City Attorney  
Jorge Gonzalez, City Manager  
Paula Sparkman, Esq., FWCC General Counsel's Office

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# FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



EDWIN P. ROBERTS, DC  
Pensacola

RODNEY BARRETO  
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KENNETH D. HADDAD, Executive Director  
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JAMES V. ANTISTA, GENERAL COUNSEL  
(850)487-1764 TDD (850)488-9542

February 23, 2003

Mr. Gary M. Held  
First Assistant City Attorney  
Office of the City Attorney  
City of Miami Beach  
1700 Convention Center Drive, Fourth Floor  
Miami Beach, Florida 33139

RE: Local Regulation of Anchoring

Dear Mr. Held:

Despite our several conversations, it appears that I have not been able to clearly express the point that I was trying to make. Again, the issue is not whether there is federal preemption of local regulation of anchoring. As you observed in your letter, *Graf v. San Diego Unified Port District*, 9 Cal. Rptr. 2d 535-536 (Cal. Ct. App. 1992) clearly holds that there is no federal preemption. There is, however, a very express preemption under state law. See, § 327.60(2), Fla. Stat.

The issue in *Graf* was not whether California as a state could regulate anchoring. *Graf* observed, "The state's authority to control and regulate usage of its navigable waterways is absolute when it is acting within the terms of the public trust." *Graf* at 535. Neither was the issue whether California had preempted port districts from the regulation of anchoring. On the contrary, *Graf* stated, "The state has delegated to Port District regulatory power over San Diego Bay." *Id.* (citing to Cal. Harb. & Nav. Code, §§ 4, 30, 55.) The case simply does not apply to the issue of preemption under state law.

The two *Lyon Township* cases cited in your letter are similarly inapplicable. These cases do not address municipal regulation of anchoring. Rather, they address riparian rights and the scope of land easements. Yes, the cases do mention "the right to anchor boats temporarily" as being within the rights of navigation, but they do not even attempt to define how long "temporary" might be. These cases dealt only with whether the land easements in question granted more than simply a means of access to the water.

Your letter paraphrases my statements as to have me claim "that a non-live-aboard vessel can anchor anywhere it wants for as long as it wants." I do not now, nor have I ever, made such a claim. Your city may certainly regulate the anchoring of non-live-aboard vessels that when the owner opts for anchoring as a form of cost-free, long-term storage. Just as vessels laid up for the winter are considered withdrawn

Mr. Gary M. Held  
February 26, 2003  
Page Two

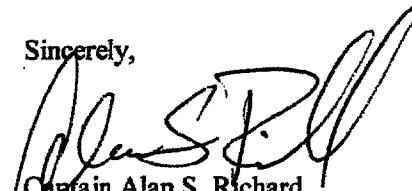
from navigation, a vessel owner who anchors his vessel in the bay indefinitely as a means of avoiding dockage fees may well have withdrawn his vessel from navigation. It is certainly likely that he has done so if the vessel is inoperable and unattended for weeks or months at a time. It is less likely when the owner is aboard periodically and the vessel is maintained in readiness for its next voyage. It is most unlikely that the owner has withdrawn the vessel from navigation if he is preparing the vessel for its next voyage, even if that voyage is not yet scheduled.

My point is that each decision concerning whether a vessel has been withdrawn from navigation (i.e., no longer exercising any rights of navigation) is a very fact specific decision. It is certainly not a decision that can be reduced solely to a defined period without vessel movement, particularly if that period is measured in hours or days. Notwithstanding that several cities have tried to so ordain, a vessel is not withdrawn from navigation simply because it has been anchored overnight or anchored in excess of 72 hours, 96 hours, two weeks, or some other arbitrarily chosen period.

Please also bear in mind that local ordinances regulating the operation of vessel are not enforceable until they are properly marked "in accordance with the permitting requirements set forth in Chapter [68D]-23, Florida Administrative Code. *Lee County v. Lippi*, 662 So.2d 1304, 1307 (Fla. 2 DCA 1995). Please also remember that this agency "will not issue any permit authorizing the placement of regulatory markers for . . . [o]rdinances regulating the anchoring of non-live-aboard vessels in navigation, in violation of Section 327.60(2), F.S." Fla. Admin Code R. 68D-23.101(3).

If you have any question or if there is any further information or assistance that I can provide, please do not hesitate to call me. My new telephone number is 805-487-1764.

Sincerely,



Captain Alan S. Richard  
Assistant General Counsel

ASR/

cc: Mr. Jim Antista  
Ms. Tara Alford

5. Letter from Mark Gold concerning anchoring near Rivo Alto Island and DiLido Island.
  - a. Proposed Public Anchorage ordinance
  - b. Fort Lauderdale
  - c. Boca Raton
  - d. Clearwater
  - e. Monroe County

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LAW OFFICES  
**GOLD AND ASSOCIATES, P.A.**  
D/B/A THE TICKET CLINIC

DADE (305) 858-9390

FAX: (305) 858-9490

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E-MAIL: INFO@THETICKETCLINIC.COM

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POLY ATTORNEY'S OFFICE

REPLY TO ☒  
2050 CORAL WAY, SUITE 602  
MIAMI, FLORIDA 33145

MARK GOLD  
EARL SELIGMAN  
FRED HSIA

REPLY TO ☐  
333 S.W. SECOND STREET  
FT. LAUDERDALE, FLORIDA  
33132

TED HOLLANDER

The Honorable Mayor David Dermer  
1700 Convention Center Drive  
Miami Beach, Florida 33139

Dear Mayor,

I am writing to you about a problem that has grown more severe over the years and needs to be addressed.

I live on Rivo Alto Island, and every winter, transient boaters fill up the waterway between Rivo Alto Island and DiLido Island. Some stay the entire winter, one recently bragged to me that he has been there three months, and has not lifted anchor. There are currently a dozen boats in my backyard. Homeowners on Hibiscus, Palm, Star and the Sunset Islands all share similar complaints.

The problems brought by these transients are obvious. Waste disposal, pollution of our waterways, hazards to navigation, illegal dumping, unsightly and dangerous vessels, safety and security of our residents, noise and boisterous behavior, to name a few.

Further, since there are limited lawful means for these persons to light ashore, they illegally park their tenders along private or public seawalls, and sneak ashore. They obtain the benefits of living in our fine city, without paying a cent in taxes, while the waterfront residents, whose tax base is in the millions have a transient campground in their backyard. I have spoken to a number of the boaters, who refuse to move, and have an attitude of entitlement, do in large part to the City's failure to address the issue.

ENOUGH IS ENOUGH. I've heard all the arguments regarding Constitutionality and Jurisdiction. The law is that Boaters hold no Constitutional right to long term anchoring in public waters. The City has statutory authority to enact regulations which prohibit or restrict the mooring or anchoring of vessels. F.S. 327.60(2)

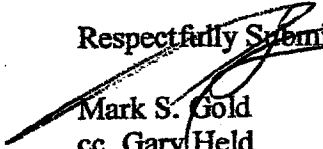
The bottom line is numerous municipalities have ordinances limiting or restricting mooring and anchorages in public navigable waterways. I've attached a few for your review (Fort Lauderdale, Boca Raton, Clearwater, Monroe)

Accordingly, I have attached a proposed ordinance, and a memorandum of law in support of same.

I would appreciate it if you would submit my proposal as soon as practible, so that by next winter, the residents may again enjoy their homes in peace.

Thank you,

~~Respectfully Submitted,~~

  
Mark S. Gold  
cc. Gary Held  
Bob Switkes



Proposed Ordinance:

PUBLIC ANCHORAGE

1) Public anchorages within the city limits may be established or designated only by the city manager. Therefore, except as provided in this section, the establishment of floating mooring devices or the anchoring of vessels in the waters of the city for any period exceeding 48 continuous or cumulative hours during any 30-day period, is prohibited. Any vessel violating this provision shall be subject to removal and impoundment as authorized by section (4), and operators of said vessels may be charged with a non-criminal civil infraction pursuant to F.S.327.73, by the appropriate law enforcement agency.

2) Public Anchorages may be designated by the city manager. In such areas floating mooring devices may be established by the city or private parties, at the option of the city. Establishment or use of such a device will require a permit from the city, for which reasonable charges may be assessed. And no such device shall be established or used prior to the issuance of such permit. The city manager may also define specific "no anchor" zones.

3) The provisions of this section permitting anchoring of vessels for a period not to exceed 48 hours shall not apply to those areas designated by the city manager as "no anchor" zones. In said designated areas, no anchoring of vessels shall take place other than when any emergency condition exists. An emergency condition means failure of the vessel to operate or injury or illness suffered by the operator of the vessel.

4) Removal and Impoundment.

a) Following removal and impoundment under section (1) above, the impounding agency shall notify the registered or documented owner at the address of record as to where the vessel was taken.

b) Provide the owner or registrant the opportunity to reclaim the vessel following payment of charges assessed for impounding the vessel.

5) This Ordinance shall not apply to mooring or anchoring in the Florida Intercoastal Waterway.

## Memorandum of Law

Florida Statutes, 327.60(2) allows local governmental authorities to enact regulations which prohibit or restrict the mooring or anchoring of vessels.

Numerous counties and municipalities have enacted ordinances which restrict or limit the anchoring in city limits, some for as short as 12 hours (Monroe) or 72 hours (Clearwater). Coral Gables allows NO anchoring without permission from the Chief of Police.

Caselaw supports these ordinances. Boaters hold NO constitutional right to unregulated long term anchoring in public water. See *Graf v. San Diego Unified Port District*, 7 Cal. App. 4th 1224 (1992):

"The interest in the bed of a navigable river is analogous to that of the public in a public road. It has the right of passage over the stream as it has over the road. BOATER HOLD NO CONSTITUTIONAL RIGHT TO UNREGULATED LONG TERM ANCHORING IN PUBLIC WATERS"

It has further been held, that when enacting such an ordinance, the city may consider, in addition to the obvious health and safety concerns, "the visual obstacle and intrusion live aboard vessels represent which interfere with the tranquility otherwise enjoyed by the adjacent residential property. *Dozier v. City of Miami*, 639 So2d 167, (Fl 3<sup>rd</sup> DCA 1994)

**FORT LAUDERDALE CODE**

upon at least ninety (90) days of advance notice to the permit holder.

- (2) All improvements such as docks, seawalls and the like which are made or placed upon such public property by a private person shall be constructed and all maintenance and repairs shall be performed according to city engineering department standards and in compliance with building permits obtained from the building and zoning department.
- (3) The holder of the permit shall be responsible for maintaining improvements to the area and for beautifying a reasonable area in and around the dock location to be specified, and failure to do so shall be grounds for revocation of permission.
- (4) Such permits shall not be assignable without the written approval by resolution of the city commission.
- (5) The holder of such permit shall not charge or collect any rent or fees from anyone using such dock constructed on public property. No sign shall be placed upon such dock indicating it is a private dock.
- (6) A permit to a private individual to construct a dock upon public property and the acceptance and use of same by such private person shall constitute a guarantee from such private person to the city to hold the city harmless for any damage or injury to any person using such facilities.
- (7) Such street-ends or public property abutting waterways so used by a private person shall be kept open at all times as means of reasonable ingress and egress to the public, but the permit holder shall have the right to exclude the public from a reasonable portion upon which he has placed improvements (not exceeding fifty (50) percent of the area).
- (8) The violation of any provisions of this section or any regulations hereafter enacted shall constitute cause for revocation of the permit.
- (9) Upon direction of the city, the former holder of a permit shall remove at his own expense any nonfixture improvements placed by him upon public lands, whenever permission is revoked, and shall make the necessary repairs to the city property to place the same in good condition.
- (10) The resolution granting the permit may specify other terms and conditions pertaining to the use or improvement of the property.
- (11) Only public lands which are not needed by the city for public docking purposes are available for private use under the terms hereof, and the supervisor of marine facilities shall furnish to the city manager a complete list of all street-ends and other city-owned property abutting waterways which is not needed for dockage purposes from time to time.

(Code 1953, § 11-12; Ord. No. C-68-23, § 2, 6-4-68; Ord. No. C-87-95, § 1, 11-17-87)

**anchored**

**Sec. 8-145. Regulation of vessels anchored in public waterways.**

- (a) Except as authorized in section 8-146, it is unlawful to anchor or moor in the public waterways of the city in excess of twenty-four (24) consecutive hours, except in an emergency situation.
- (b) In the event of an emergency situation, the owner or occupant of the vessel shall immediately contact the appropriate authorities and inform them of the nature of the emergency and the amount of time required to remedy the emergency situation. Upon

abatement of the emergency, the vessel may anchor or moor under permit in a designated area.

(c) Anchoring or mooring in the public waterways for more than twenty-four (24) consecutive hours is permitted only at a site designated by resolution of the city commission as appropriate for liveaboard vessels or for special events. Such resolution shall establish policy for mooring location, maximum length of stay, motor vehicle parking rules, permit fee and other rules and regulations that shall apply to each designated site.

(d) The supervisor of marine facilities shall issue a permit to anchor or moor in a designated area if space is available and upon remittance of the required permit fee unless the supervisor finds:

- (1) The vessel does not have adequate facilities for living aboard without creating a health hazard; or
- (2) The vessel is not seaworthy and may reasonably constitute a hazard to life or navigation.

The decision of the supervisor to accept or reject a vessel for anchorage or moorage is final. The owner or occupant of a vessel receiving a permit shall be required to keep a copy thereof prominently displayed on such vessel during the entire duration of the anchorage or moorage so that it is clearly visible from the exterior of the vessel and to produce it upon demand of any police officer, auxiliary police officer or supervisor of marine facilities or his assistant.

(e) This section shall not apply to the anchorage or moorage of nonliveaboard vessels engaged in the exercise of rights of navigation.

(Code 1953, § 11-38; Ord. No. C-71-101, § 1, 11-2-71; Ord. No. C-87-96, § 1, 11-17-87)

State law references: Anchoring so as to interfere with navigation, F.S. § 327.44.

#### **Sec. 8-146. Using boats as places of business.**

(a) *General restriction.* It is prohibited to operate a floating business within the city without approval by the city commission. In determining whether or not to grant such approval, the city commission shall consider the following:

- (1) The adequacy of provisions by the applicant for observation of all health and sanitary regulations of the city;
- (2) The level of noise to be generated by the proposed business operation;
- (3) The number of patrons, customers or clients expected to travel to and from floating business and the availability of sufficient parking facilities therefor;
- (4) The recommendation of the marine advisory board; and
- (5) Whether the proposed facility will tend to enhance the appearance of the city's waterways and promote the city's image as a family-oriented resort area.

(b) *Safety standards.* Any floating business used as a place from which any business or professional service of any type is conducted which would come within the definition of Group A or B occupancy pursuant to the Florida Building Code and which is approved pursuant to subsection (a) of this section shall be subject to the following safety requirements:

- (1) *Certificate of occupancy.* No floating business shall be occupied unless a certificate of occupancy has been issued by the fire marshal and the building official. The fire marshal and the building official may issue a certificate of

BOCA RATON CODE

prohibit use of ropes or lines to secure a commercial vessel to another vessel for a period not to exceed 20 minutes.

(Ord. No. 4390, § 1, 6-9-98)

#### **Anchoring**

#### **Sec. 9-53. Anchoring or mooring of vessels in excess of 72 consecutive hours prohibited.**

(1) It shall be unlawful to anchor or moor a vessel in a public waterway for a period exceeding 72 consecutive hours; provided, however, this section shall not apply to mooring at a dock or similar facility.

(2) Violation of this section is a noncriminal infraction punishable as provided in F.S. § 327.73.

(3) This section shall not apply during any period of time during which an emergency condition exists, or with regard to a law enforcement, firefighting, or rescue vessel owned or operated by a governmental agency; provided, however, this section shall apply immediately after such emergency condition ceases to exist.

(4) In the event an emergency condition exists, the owner of the vessel, or person anchoring or mooring the vessel, if not the owner, shall immediately notify the Boca Raton Police Services Department.

(5) This section shall not apply to anchoring or mooring of vessels in the Florida Intra-Coastal Waterway.

(Ord. No. 4678, § 3, 11-13-02)

Secs. 9-54--9-59. Reserved.

## CLEARWATER CODE

hours shall be required to file and submit a written application for a moorage permit utilizing an application form provided by the harbormaster. Such application shall state that a vessel used as a houseboat meets all current environmental protection agency discharge requirements in effect at the time such application is made and furthermore for the purpose of meeting all current environmental protection agency discharge requirements such vessel shall be inspected by the harbormaster or other appropriate city official. Such application shall further contain the signature of the owner of the lot to which the dock is attached and the signatures of all lots abutting such lot when such vessel is moored to a private dock, which signatures shall indicate on such application form that the property owners have no objection to such moorage for a period of not more than 120 days in any one calendar year.

(5) The harbormaster upon submission to him of an application in proper form and meeting the requirements as set forth in subsection (4) of this section and upon payment of any necessary permit fee shall then issue to the owner of such houseboat a permit allowing such vessel to be moored to a private nonlicensed dock which permit shall be valid for a period of not more than 120 days in any one calendar year from the date of submission by the harbormaster.

(Code 1980, § 114.54)

**Sec. 33.056. Regattas, races, marine parades, tournaments, exhibitions.**

Any person directing the holding of a regatta, tournament or marine parade or exhibition shall secure a permit from the city when such event is held in waters within the city limits. A person directing such affairs shall apply to the city manager for a permit at least 30 days prior to the scheduled date of any event. Safety, noise level and public convenience will be considered in allowing or refusing permits for such affairs. The issuance of such a permit shall not relieve the applicant of the responsibility for securing such additional permits as may be required by the United States Coast Guard or other agency having jurisdiction.

(Code 1980, § 114.56)

**State law references:** Regattas, races, marine parades, tournaments or exhibitions, F.S. § 327.48.

**Sec. 33.057. Public anchorage.**

(1) Public anchorages within the city limits may be established or designated only by the city manager. Therefore, except as provided by section 33.055(3) and except as further provided in this section, the establishment of floating mooring devices or the anchoring of vessels in the waters of the city for any period exceeding 72 continuous or cumulative hours during any 30-day period, in lieu of mooring at a dock or similar facility, is prohibited. Any vessel violating the provisions of this section shall be subject to removal and impoundment as authorized by section 33.058.

(2) Public anchorages may be designated by the city manager. In such areas floating mooring devices may be established by the city or by private parties, at the option of the city. Establishment or use of such a device will require a permit from the city, for which reasonable charges may be assessed, and no such device shall be established or used prior to the issuance of such permit.

(3) The provisions of this section permitting anchoring of vessels for a period not exceeding 72 hours shall not apply to that area defined and described in section 33.067

(4). Within the area defined and described in section 33.067(4), no anchoring of vessels

shall take place except when an emergency condition exists. An emergency condition means failure of the vessel to operate or injury or illness suffered by the person operating the vessel.

(Code 1980, § 114.55)

**Sec. 33.058. Parking, storing vehicle, trailer, vessel in public facilities over 24 hours.**

(1) No vehicle, vessel or trailer may be parked or stored in the public parking area of any public dock, launching ramp or other public waterfront facilities for a period of more than 24 hours. Any vehicle, vessel or trailer found parked or stored in violation of the time provision set out in this section shall in addition to the penalty provided in section 1.12 be subject to the removal provision provided in this section. Within this section, the term "vehicle" shall mean any device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, and the term "trailer" shall mean any vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle.

(2) Following removal, the harbormaster shall:

(a) Immediately notify the owner or person holding the registration of such vehicle, trailer or vessel as to where the vehicle, trailer or vessel was taken;

(b) Provide such owner or registrant with an opportunity to reclaim the vehicle, trailer or vessel following the payment of the charges assessed for impounding the vehicle, trailer or vessel; and

(c) Provide such owner or registrant with an opportunity to provide any reason such owner or registrant may have as to why the charges should not be assessed prior to the time that such assessment becomes final.

(Code 1980, § 114.49(e), (f))

**Sec. 33.059. Prohibited mooring, beaching or placing of vessels.**

(1) No vessel of any kind whatsoever shall moor to or tie up to a private seawall or dock or be beached upon private property within the city limits without the permission of the owner thereof.

(2) No vessel shall be moored or otherwise placed in such a manner as to impede, restrict, or otherwise interfere with the use of public docks, launching ramps or other public waterfront facilities.

(3) Vessels in violation of this section shall be subject to removal and impoundment by the city, and costs incident thereto shall be borne by the owner.

(Code 1980, § 114.49(a), (b))

**Cross references:** Parks, beaches and recreation, ch. 22.

**Sec. 33.060. Unsightly or badly deteriorated boats.**

(1) No vessel of any kind whatsoever which is of unsightly appearance or in badly deteriorated condition, which is likely to damage docks or other vessels, or which might become a menace to navigation shall be permitted to moor or tie up at any dock within

MOORING

**ARTICLE IV. COUNTY MOORING FIELDS\***

**\*Editor's note:** Ord. No. 031-2002, § 4, renumbered art. XX, §§ 5.5-227--5.5-234 as art. IV, §§ 5.5-76--5.5-83.

**Sec. 5.5-76. Purpose.**

This article provides for the installation of mooring fields and the authorization to manage those mooring fields as a method of addressing boating impacts associated with the many overcrowded anchorages in the Florida Keys. The mooring fields shall be managed so as to eliminate abandoned and derelict vessels, ensure compliance with the Clean Vessel Act, minimize benthic damage, and provide a safe, secure harbor for transient and long-term recreational vessels. This article is adopted pursuant to chapters 327 and 315, F.S.

(Ord. No. 26-2001, § 1; Ord. No. 031-2002, § 4)

**Sec. 5.5-77. Definitions.**

Definitions shall apply as provided in Article I of this chapter or as referenced from other chapters as appropriate.

(Ord. No. 26-2001, § 1; Ord. No. 031-2002, § 4; Ord. No. 020-2003, § 7)

**Sec. 5.5-78. Force and effect.**

(a) This article shall become effective in each mooring field identified in attachment A\*, upon completion of mooring system installation in said mooring field.

(b) The county has the authority to have all vessels or floating structures, ground tackle, and other associated gear removed from the mooring system site prior to installation of moorings to allow for the safe and effective installation of those mooring systems. Vessel and floating structure owners shall be responsible for the removal of any and all objects placed on, or imbedded into the bay bottom within the mooring system area to allow for subsequent mooring system installations. The county shall attempt to provide reasonable notice to those vessel or floating structure owners determined to be within the area of the mooring system so as to allow sufficient time for voluntary removal. If the county is unable to contact or identify the owner of vessels or floating structures within the mooring system area, due to the lack of identifying marks on the vessel or floating structure, the county may remove and impound those vessels or floating structures and dispose of them as provided in F.S. § 705.103.

(c) The anchoring regulations of section 5.5-231(c), shall not apply to non-live-aboard vessels engaged in the exercise of the rights of navigation. A non-live-aboard vessel shall be considered as no longer engaged in the exercise of the rights of navigation when it has been at anchor for twenty-four (24) hours.

(Ord. No. 26-2001, § 1; Ord. No. 031-2002, § 4)



6. A portion of the research paper from the Center for Governmental Responsibility at University of Florida, entitled: "Anchoring Away: Government Regulation and the Rights of Navigation in Florida.

# **Anchoring Away: Government Regulation and the Rights of Navigation in Florida**

**By**

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projects to protect and manage sovereign submerged lands.<sup>134</sup> This approach has been adopted by the state in a few cases to permit local governments to establish managed anchorage areas within their jurisdiction.<sup>135</sup> Local governments with management agreements approved or under review include Vero Beach, Stuart and Key West. Authority to enter into management agreements has been delegated by the Trustees to the Director of the Division of State Lands in the Department of Environmental Regulation.<sup>136</sup> The Directive authorizes the Director to "approve management agreements with governmental entities, nonprofit and nonrevenue generating conservation, education, charitable, recreation or scientific groups for the management of educational, recreational or scientific activities."<sup>137</sup> However, in special cases, such as where there is controversy, the Governor and Cabinet must approve the Agreement.<sup>138</sup>

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### 3. Chapter 327, Florida Statutes: State Preemption of Local Anchorage Regulation

Chapter 327 of the Florida Statutes, known as the "Florida Vessel Registration and Safety Law,"<sup>139</sup> is administered by the DEP.<sup>140</sup> This law primarily relates to vessel registration, including numbering and fees, as well as various safety considerations, such as safe operation, accident procedures, and personal watercraft requirements. However, Chapter 327 also addresses jurisdiction over anchorages in Florida. Two provisions of the Act are especially important for purposes of this article. The first relates to local government regulations concerning resident vessels, while the second relates directly to mooring and anchoring. Each provision both preserves and limits regulatory authority for local governments.<sup>141</sup>

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<sup>134</sup> FLA. ADMIN. CODE § 18-21.005(1)(e) (1998).

<sup>135</sup> See Department of Environmental Protection webpage (visited April 12, 1999) <<http://www.dep.state.fl.us/ecosystem/enved/emwork/place.htm>>; Interview with Don Keirn, Planner IV, Department of Environmental Protection, April 5, 1999.

<sup>136</sup> See Department of Natural Resources Directive 120 (May 17, 1990). The Department of Natural Resources and the Department of Environmental Regulation have subsequently been merged to form the Department of Environmental Protection.

<sup>137</sup> See *id.*

<sup>138</sup> See *id.*

<sup>139</sup> See FLA. STAT. § 327.01 (1997).

<sup>140</sup> See FLA. STAT. § 327.03(1) (1997).

<sup>141</sup> See Section IA of this report, discussing the rights of navigation and the Federal Navigational Servitude.

The first provision affects local efforts to regulate the operation and equipment of vessels.<sup>142</sup> The Act preserves a local government's authority to regulate "resident vessels" where the county or municipality spends money on boating-related activities such as the patrol and maintenance of water bodies.<sup>143</sup> A resident vessel is "one that is normally stored within the city or county imposing the regulation, and not one that is merely being operated on waters within that jurisdiction."<sup>144</sup> Section 327.22(1)(a) provides:

Nothing in this chapter shall be construed to prohibit any municipality or county that expends money for the patrol, regulation, and maintenance of any lakes, rivers, or waters and for other boating-related activities in such municipality or county from regulating vessels resident in such municipality or county. Any county or municipality may adopt ordinances which provide for enforcement of noncriminal violations of s. 327.33 relating to the careless operation of a vessel which results in the endangering or damaging of property, by citation mailed to registered owner of the vessel. Any such ordinance shall apply only in designated restricted areas which are properly marked and in need of shoreline protection. Any county and the municipalities located within the county may jointly regulate vessels.

The import of this provision for local regulation of anchorages is unclear. It could be read to authorize comprehensive local government regulation of resident vessels, including limitations on anchoring, thereby suggesting potentially different limitations for non-resident vessels. On the other hand, it could be construed as limited to subjects related to vessel registration and safety for resident vessels, which is the context of the provision.<sup>145</sup>

Local government regulation of the operation and equipment of vessels is further addressed in section 327.60(1) of the Florida Statutes. This provision expressly prohibits local regulations applying to the Florida Intracoastal Waterway and also prohibits any ordinances in conflict with the Florida Registration and Safety Act<sup>146</sup> To the extent that anchoring relates to the operation of a vessel, this suggests that anchoring within the Florida Intracoastal Waterway

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<sup>142</sup> See FLA. STAT. § 327.22 (1997).

<sup>143</sup> See FLA. STAT. § 327.22(1)(a) (1997).

<sup>144</sup> See *City of Winter Park v. Jones*, 392 So. 2d 568, 572 (1980).

<sup>145</sup> See FLA. STAT. §§ 327.15-.21 (relating to vessel registration); FLA. STAT. §§ 327.22(2)-(3) (relating to annual registration fees imposed by counties or municipalities).

<sup>146</sup> See FLA. STAT. § 327.60(1) (1997).

could not be regulated by local governments.<sup>147</sup>

The second provision, section 327.60(2), Florida Statutes, relates directly to mooring and anchoring and lies at the heart of the continuing controversy over the scope of local government authority to restrict anchoring. It states:

Nothing contained in the provisions of this section shall be construed to prohibit local governmental authorities from the enactment or enforcement of regulations which prohibit or restrict the mooring or anchoring of floating structures or live-aboard vessels within their jurisdictions. However, local governmental authorities are prohibited from regulating the anchorage of non-live-aboard vessels engaged in the exercise of rights of navigation.<sup>148</sup>

The Act defines a live-aboard vessel as any vessel "used solely as a residence"<sup>149</sup> or "represented as a place of business, a professional or other commercial enterprise, or a legal residence."<sup>150</sup> The Act expressly excludes a commercial fishing boat from this definition.<sup>151</sup> The Florida Attorney General has concluded that a vessel may qualify as a live-aboard if it can be proven with objective facts that the operator intends to use the vessel as a legal residence.<sup>152</sup>

Thus, with reference to live-aboard vessels, or non-live-aboards *not* engaged in the

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<sup>147</sup> However, the U.S. Army Corps of Engineers, Jacksonville District, recently issued a policy and guidance memorandum establishing setback restrictions for various activities within 100 feet of the channel of the Intracoastal Waterway (on the east and west coasts of Florida), Atlantic Intracoastal Waterway, and Okeechobee Waterway. The setback applies to moorings but does not expressly refer to anchoring. See Memorandum re: Setback Criterion, November 23, 1998, CESAJ-RD (1145) (on file with the authors). In addition, it is unlawful to operate or anchor a vessel "in a manner which shall unreasonably or unnecessarily constitute a navigational hazard or interfere with another vessel. Anchoring under bridges or in or adjacent to heavily traveled channels shall constitute interference if unreasonable under the prevailing circumstances." FLA. STAT. §327.44 (1997).

<sup>148</sup> FLA. STAT. § 327.60(2) (1997) (emphasis added).

<sup>149</sup> See FLA. STAT. § 327.02(16)(a) (1997); *Brault v. Florida*, Case No. 89-0075 AC (A) 02 (Palm Beach County App. Ct. 1991) (vessel found to be a live-aboard because it was where the owner kept his clothing, cooked food, slept, and where his dog lived).

<sup>150</sup> See FLA. STAT. § 327.02(16)(b) (1997).

<sup>151</sup> See FLA. STAT. § 327.02(16) (1997).

<sup>152</sup> See FLA. AGO 85-45, 1985 WL 190102 (Fla.A.G.)

exercise of the rights of navigation, the Act expressly permits local governments to regulate anchoring.<sup>153</sup> Accordingly, this provision establishes a two part test for local regulation.

Anchoring may be restricted if the vessel is 1) a live-aboard, or 2) a non live-aboard which is not engaged in the exercise of rights of navigation. With respect to the first part, the validity of local ordinances may turn on whether a local ordinance's definition of live-aboard vessel is broader than the statutory definition provided for in Section 327.02(16).<sup>154</sup> Several local ordinances have attempted to define live-aboard differently from the state statute. One local government, for example, defines "on-board" living as "eating, sleeping and carrying on other living activities for a period in excess of forty-eight (48) hours aboard any vessel while it is moored or docked on the waters within the city."<sup>155</sup> This definition could be interpreted as being broader than the residency test established by Chapter 327, and thus sweep non live-aboards under its ambit. If so, the ordinance could be subject to challenge as violative of state general law and therefore could be struck down as exceeding the local government's grant of authority under Chapter 327.<sup>156</sup>

X Although Chapter 327 provides a definition of live-aboard, the meaning of "engaged in the exercise of the rights of navigation" remains elusive.<sup>157</sup> While the "exercise of the rights of

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<sup>153</sup> This interpretation is supported by the Preamble to the 1993 amendments to the Act, which states that local governments should be free to regulate the mooring or anchoring of floating structures and live-aboard vessels. 1993 FLA. LAWS ch. 83-20. If Florida Statute section 327.22(1) is interpreted as authorizing comprehensive regulation of resident vessels, however, then anchorage by resident "non live-aboard vessels engaged in the exercise of rights of navigation" would be subject to regulation, and the prohibition would protect only non-resident vessels.

<sup>154</sup> A live-aboard vessel is "a) Any vessel used solely as a residence; or b) Any vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence. A commercial fishing boat is expressly excluded from the term "live-aboard vessel." FLA. STAT. §327.02(16) (1997)

<sup>155</sup> Code of Ordinances of the City of Sanibel, Florida, Chapter 6-15. Supp. No. 25.

<sup>156</sup> See FLA. CONST. Art. VIII, Section 2(b). Florida's test establishing the supremacy of state law over local law is similar to the federal test vis a vis a state. In this instance, however, a statute specifically describes the ambit of local government authority, and it is unnecessary to engage in a detailed preemption analysis. See, e.g., *supra* notes 59-85 and accompanying text.

<sup>157</sup> Section 327.60 provides no definition of the "right to navigate." FLA. STAT. §327.60 (1997). The right to navigate has been only loosely defined in Florida. See A.G.O. Report 85-45, 1985 WL 190102 (Fla.A.G.). In *Ferry Pass Inspectors' & Shippers' Association v. White's River Inspectors' & Shippers' Association*, 57 Fla. 399, 48 So. 643

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navigation" has not been defined judicially or statutorily, the Florida Attorney General has stated that the right of navigation includes the right to anchor or moor.<sup>158</sup> However, the Attorney General noted that such a right does not include the right to anchor indefinitely.<sup>159</sup> In addition, the U.S. Coast Guard has stated:

While a right to remain aboard the vessel for a reasonable period appurtenant to transit, anchoring and navigation is part of the navigational servitude, this does not extend to utilizing a vessel as a residence. Such usage may be regulated by the City as long as reasonable provision is made for those individuals who reside aboard vessels appurtenant to navigation.<sup>160</sup>

At least two Florida trial courts have addressed local restrictions on anchoring in the context of this statute.<sup>161</sup> In *State v. Hager*,<sup>162</sup> the court upheld a 72 hour length-of-stay

(1909), the Supreme Court of Florida set forth the following dicta, "The rights of the public in navigable streams for purposes of navigation are to use the waters and the shores to high-water mark in a proper manner for transporting persons and property thereon subject to controlling provisions and principles of law. The right of navigation should be so used and enjoyed as not to infringe upon the lawful rights of others. All inhabitants of the state have concurrent rights to navigate and to transport property in the public waters of the state." See also 65 C.J.S. *Navigable Waters* § 22 ("The public right of navigation entitles the public generally to the reasonable use of navigable waters for all legitimate purposes of travel or transportation, for boating or sailing for pleasure, as well as for carrying persons or property gratuitously or for hire, and in any kind of water craft the use of which is consistent with others also enjoying the right possessed in common.") Several Florida cases involving the construction of bridges or water control structures have upheld interference with navigation. See e.g., *State ex rel. Wilcox v. T.O.L.*, 206 So.2d 69 (Fla. 4th DCA 1968); *Carmazi v. Dade County*, 108 So.2d 318 (Fla. 3d DCA 1959). Restrictions on navigation in airboats have been upheld as to the general public, but invalidated as to the owners of island property with no other reasonable access to their estates. *Game and Fresh Water Fish Commission v. Lake Islands*, 407 So.2d 189 (Fla. 1981).

<sup>158</sup> See FLA. AGO 85-45, 1985 WL 190102 (Fla.A.G.).

<sup>159</sup> See *id.* (citing *Hall v. Wantz*, 57 N.W.2d 462 (Mich. 1953)).

<sup>160</sup> Memorandum No. 16612 from the District Legal Officer, U.S. Coast Guard to the Chief, Marine Safety Division, U.S. Coast Guard (Apr. 16, 1982).

<sup>161</sup> Another court has interpreted whether the statute preempts a local government from banning navigation with a specific type of vessel, i.e. airboats. See *Moore v. State*, 6 Fla. Law Weekly Supp. 8, 98 ER FALR 276 (10th Cir., Polk County, Sept. 8, 1998). The court concluded that Section 327.60(2), Florida Statutes, only preempts local government regulation

*Riviera Beach*

restriction, giving deference to Clearwater's determination that a vessel anchored for greater than 72 hours during any thirty-day period was no longer engaged in navigation. After determining that the vessel was a non-live-aboard, the court examined whether anchoring for more than 72 hours was "anchorage . . . in the exercise of the rights of navigation," pursuant to section 327.60(2), Florida Statutes. The court stated "[n]o authority has been cited which establishes a legal time frame within which to determine when, if ever, an anchored vessel is under navigation."<sup>163</sup> The court concluded that while 72 hours "may appear unnecessarily restrictive," the will of the legislative body should stand.

More recently, however, the court in *State v. Frick*,<sup>164</sup> reached the opposite conclusion, refusing to define the rights of navigation in terms of an "arbitrary time period of 72 hours." The court noted that "[t]he length of time that a boat remains anchored may be only one criteria determining whether it is involved in navigation." In striking the Riviera Beach ordinance, the court determined that innocent boaters, genuinely exercising the rights of navigation or forced "out of necessity, weather, or unforeseen conditions" to stop for longer than 72 hours would violate the ordinance.

Although these cases do not resolve the length-of-stay issue, it does appear that length-of-stay restrictions are more likely to be upheld if they permit vessels to remain for a longer time frame and make adequate provision for contingencies such as safe harbor during storms.<sup>165</sup>

of anchoring. *Id.*

*Clearwater*

<sup>162</sup> See Case No. 90-19207MOANO (County Ct., Pinellas Co., Nov. 27, 1990).

<sup>163</sup> See *id.*

<sup>164</sup> See Case No. 91-6860 M0 A08 (May 28, 1991).

*Riviera Beach*

<sup>165</sup> See Letter from Mark P. Barnebey, Senior Assistant County Attorney, Manatee County to Commissioner Kathy Snell (June 5, 1992). A Lee County ordinance, which made it a criminal offense to use a boat as a live-aboard for greater than 72 hours, was struck down as unconstitutional because it was found to be "overbroad and not reasonably tailored to address its stated purpose." See *State v. Moncure*, Case No. 92CO-636, 637, 638, 639, 640, 641, 642, 643, 92MM-333, 92MM-552 (Feb. 20, 1992). The court noted several aspects of the ordinance which made "seemingly harmless actions illegal." For example, the ordinance did not require that anyone be on board the vessel at all times during the 72 hour period giving rise to a violation. Although the stated purpose was to prevent the unlawful discharge of waste, no actual discharge was required for a violation to occur. Further, the ordinance did not require that the 72 hour use of the vessel as a live-aboard occur at the same anchorage; nor did the ordinance allow for emergency situations (such as mechanical breakdown or a hurricane) which might require keeping a vessel in County waters for greater than 72 hours. Concluding that innocent boaters legitimately exercising the rights of navigation might also be

*Lee County*



#### **4. Anchorage Management and the Inland Navigation Districts**

In addition to the foregoing, the Florida Legislature recently granted additional nonregulatory anchorage management authority to the state's inland navigation districts. The Florida Inland Navigation District (FIND) and the West Coast Inland Navigation District (WCIND) serve as the local sponsors for the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway.<sup>166</sup>

The FIND is an independent special taxing district which covers an area extending along Florida's east coast from Duval to Dade Counties.<sup>167</sup> FIND is governed by an eleven-member board with one representative from each county within the district.<sup>168</sup> Florida's governor appoints the board members to staggered four-year terms.<sup>169</sup> The WCIND is also a special taxing district, but it only covers four counties: Manatee, Sarasota, Charlotte and Lee.<sup>170</sup> The WCIND is governed by a four-member board comprised of one county commissioner from each of the four counties within its jurisdiction.<sup>171</sup>

In 1998, the Florida legislature added anchorage management to the list of activities for which the FIND and the WCIND are permitted to aid and cooperate with the federal government, state, member counties and local governments.<sup>172</sup> However, even before this legislation, the WCIND was involved in anchorage management by becoming a charter member of the Southwest Florida Regional Harbor Board.

### **III. EMERGING APPROACHES TO ANCHORING AND ANCHORAGE MANAGEMENT IN FLORIDA**

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subject to criminal penalties, the court struck the ordinance as overbroad.

<sup>166</sup> See FLA. STAT. § 374.976(1)(a) (1998 Supp.).

<sup>167</sup> See FLA. STAT. § 374.982 (1997).

<sup>168</sup> See FLA. STAT. § 374.983(1) (1997).

<sup>169</sup> See FLA. STAT. § 374.983(2) (1997).

<sup>170</sup> See Ch. 23770, Laws of Florida (1947); FLA. ADMIN. CODE § 66A-1.001(1) (1998).

<sup>171</sup> See FLA. ADMIN. CODE § 66A-1.002(1) (1998).

<sup>172</sup> See FLA. STAT. § 374.976(1)(c) (1998 Supp.); see also FLA. ADMIN. CODE § 66B-2.001 (1998).

#### **A. The Southwest Florida Regional Harbor Board (SWFRHB)**

The Southwest Florida Regional Harbor Board (SWFRHB) was created in July 1995 by a memorandum of agreement among a local organization of boaters, state and regional agencies and the Florida Sea Grant College Program to resolve conflicts that arose from inconsistent local government regulation of anchorages.<sup>173</sup> Many of the boaters felt that length-of-stay restrictions were unnecessary in most of the anchorages of Southwest Florida and that overly burdensome regulations would discourage cruising in the region. The Board's non-regulatory approach focuses on boater education to achieve the greatest ecosystem benefit. The group has also been involved in an effort to identify anchorages in Southwest Florida which require more active management based on current conflicts and to provide technical assistance in the development of appropriate anchorage management plans. The Board's philosophy is to maintain the widest possible degree of freedom for boaters consistent with appropriate environmental and safety concerns and based upon active participation by boaters. To this end, the SWFRHB has developed a set of guiding principles for anchorage management.<sup>174</sup> In addition, the SWFRHB has encouraged municipalities in Southwest Florida to enter into memoranda of agreement endorsing a non-regulatory, consensus-based approach based on these principles, and to relax their length of stay restrictions.

#### **B. Managed Anchorage Fields in Southeast Florida**

Through its Ecosystem Management Division, the Southeast District office of the Department of Environmental Protection (DEP) has initiated a proactive program to encourage responsible boater use of waters of Florida. This program is actively working with local governments to establish managed mooring and anchorage areas. The end result of DEP's involvement is typically management plans and management agreements for these anchorage areas. The basis for this approach is that if mooring and anchorage fields are managed properly and located in appropriate areas, boat owners will be more inclined to use them.

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<sup>173</sup> See *Memorandum of Agreement Among the Boaters' Action and Information League, Florida Department of Environmental Protection, Florida Sea Grant College Program, Southwest Florida Regional Planning Council, and the West Coast Inland Navigation District Relating to Anchoring of Vessels in Southwest Florida* (July 13, 1995) (unpublished agreement on file with the authors).

<sup>174</sup> See Appendix A of this report.

DEP staff is currently coordinating with several interested governmental programs, such as the City of Stuart, the City of Riviera Beach, the City of Miami, Biscayne National Park and several others, to facilitate the required planning, design and construction of the mooring and anchorage fields. District Staff provides support teams called Technical Assistance Teams ("TAT's") to closely coordinate with the sponsors to implement the necessary planning, to identify potential sites through field work, and to assist in locating funding sources. These TAT's offer expertise in a variety of associated fields and disciplines. At present, there are volunteers representing many professional fields as well as various user groups, such as recreational organizations and marine industries. One of the added benefits of the TAT's comes during permitting because DEP staff are part of the TAT. When the permitting application is submitted for review, the agency's concerns are more likely to have been addressed in the TAT report.<sup>175</sup>

### C. The Vero Beach Local Managed Anchorage Model

The City of Vero Beach, Florida, has addressed anchorage management and regulation by establishing a municipal marina and anchorage.<sup>176</sup> The anchorage consists in part of a mooring field offering permanent and transient moorings for a fee.<sup>177</sup> The City permits transient vessels to raft up to four vessels per mooring, depending on conditions. In the relatively small area outside the managed anchorage, anchoring is limited to twelve hours.<sup>178</sup> Fees fully support the municipal anchorage facilities, which include a fueling station, pump-out facility and restrooms. The City employs a harbor master, assistant harbor master and two part-time assistants. The harbor master is appointed by the city manager and resides at quarters provided by the City within the anchorage. In addition, there is a Marine Commission, made up of at least three representatives who live within the City, which serves as an advisory board for the anchorage.<sup>179</sup>

## IV. CONCLUSION

Federal rights to navigation are protected by the Commerce Clause and the federal navigation servitude. Anchoring that is incidental to the exercise of the rights of navigation remains protected by federal law. However, in *Barber*, the Ninth Circuit Court of Appeals

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<sup>175</sup> See Department of Environmental Protection webpage (visited April 12, 1999) <<http://www.dep.state.fl.us/ecosystem/enved/emwork/place.htm>>; Interview with Don Keirn, Planner IV, Department of Environmental Protection, April 5, 1999.

<sup>176</sup> See Code of Ordinances of Vero Beach, Florida, Chapter 12.

<sup>177</sup> See Code of Ordinances of Vero Beach, Florida, § 12.06.

<sup>178</sup> See Code of Ordinances of Vero Beach, Florida, § 12.01(b).

<sup>179</sup> See Code of Ordinances of Vero Beach, Florida, § 4.02(c).

concluded that while the federal government may preempt state and local anchorage regulation, it has not done so. In fact, there is ample federal authority which suggests that Congress intended for states to assume a substantial role in the regulation of navigation, including anchoring, as long as it does not unduly circumscribe the protected federal interests. However, federal law offers little guidance concerning how far a state or local government may regulate anchoring before it interferes with the federal navigation interest.

In Florida, the Legislature has authorized the Board of Trustees to regulate anchoring, but the Board has not exercised this authority. The Legislature has, however, preempted local government regulation of anchoring by non-live aboards "engaged in the exercise of the rights of navigation." Although a definition of live aboard is provided, the Legislature has not clarified what it means by "engaged in the exercise of the rights of navigation." Two Florida circuit courts have addressed this question in the context of local government regulations and arrived at conflicting decisions. The Attorney General has opined that this provision probably requires a "case by case" analysis. Accordingly, until some clarity is brought to the issue by the appellate courts or the Legislature, or the issue is resolved by the efforts of entities like the SWFRHB or the DEP's managed anchorage program, the question of the validity and extent of local anchorage regulation of non-liveaboard will probably remain an open one.

## **APPENDIX A**

### **I. PRINCIPLES OF ANCHORING**

"The Southwest Florida Regional Harbor Board's Regional Umbrella: Standards for Anchorage Management," set forth below, should represent the basic management approach for anchoring in Florida.

1. All federal and state laws apply to all vessels, including laws concerning overboard discharge of petroleum products, waste, garbage and litter. Local laws regarding nuisance, noise, etc to all persons, including those at anchor.
  2. Vessels may not anchor in a manner that: a. Jeopardizes other vessels at anchor or underway; b. Might cause damage to other property or persons; c. Impedes access to docks, slips or public or private property
  3. Areas of seagrass, living coral or rock outcroppings as identified by Florida SeaGrant (FSG), the Department of Environmental Protection (FDEP) or the regional National Estuary Programs, cannot be used for anchoring. Special care must be taken to avoid anchoring impacts in aquatic preserves.
  4. Vessels must be capable of navigating under their own sail or power, or have ground tackle capable of holding vessel until winds are fair or a tow or repairs can be arranged. A reasonable amount of time must be allowed for such situations.
  5. In emergencies, the safety of the crew and the vessel will be of paramount importance until the emergency is past or the vessel has been moved to safety. Each mariner remains responsible for damages caused by his vessel or its wake.
- [Note: There are no third party beneficiaries under these standards. No third party has any rights or cause of action based upon any failure to enforce any of these standards.]
- Further restrictions should not be placed on anchoring in Florida in the absence of environmental damage or user conflicts that cannot be otherwise resolved.

### **II. HARBOR MANAGEMENT**

1. When environmental damage or user conflict have been demonstrated by objective standards, consideration should be given to the development of a local harbor management plan.
2. Objective standards should be based on planned, periodic inventories of all natural and cultural resources within the harbor and adjacent shoreline.
3. Local harbor management plans should be developed utilizing consensus building processes that include representation among all stakeholders.
4. Local harbor management plans should be implemented by a local harbor board that includes broad-based stakeholder representation, including boater representation from within the anchorage.

5. Local harbor management plans should consider the appointment of a harbormaster, who should be competitively selected based on qualifications established by the local harbor board and who reports to it.
6. Local harbor management plans should ensure that there is adequate anchoring and/or mooring capacity for transient boaters and that adequate provision is made for "safe harbor" shelter during storms.
7. Local harbor management plans should ensure that adequate support facilities are available to boaters. At a minimum this should include dedicated dinghy facilities. Where resources are available, consideration should also be given to restrooms, showers, laundry facilities and other amenities.
8. Local harbor management plans should include appropriate aids to navigation and other signage, as necessary to distinguish anchorage, mooring fields, restricted areas and navigation channels.
9. Local harbor management plans should consider appropriate means to obtain financing or capital improvements and management activities, including government grants and reasonable user fees.
10. For managed anchorages, consideration should be given to seeking Special Anchorage Area designation by the Coast Guard.
11. Local harbor management plans should consider appropriate mechanisms to resolve disputes within the anchorage.
12. For managed anchorages, local harbor management plans should seek the appropriate approval from the State of Florida or other legal owners of the bottomlands beneath the anchorages.

**7. Ordinance of Riviera Beach.**

*City of Riviera Beach***ARTICLE III. BOATS\***

**\*Cross references:** Riviera Beach Waterfront Advisory Board, § 2-101 et seq.; traffic and motor vehicles, ch. 19.

**State law references:** Regulation of boats, F.S. ch. 327.

**Sec. 13-51. Definitions.**

Definitions as stated in F.S. § 327.02 are incorporated herein by reference. For the purposes of this article, "waters within the corporate or city limits of the city" shall mean any part of Lake Worth within the boundaries of the city as may exist now or hereafter.

(Code 1957, § 13-27)

**Cross references:** Definitions and rules of construction generally, § 1-2.

**Sec. 13-52. Compliance.**

For the protection of property owners, the general public and owners and operators of any vessel or floating structure in the city, all floating structures of any type whatsoever operated, moored, docked or anchored at any place in the canals, rivers, bays or waters within the corporate limits of city and the owners, operators or occupants thereof shall be governed by and observe the provisions of this article.

(Code 1957, § 13-28)

**vessels****Sec. 13-53. Trespassing vessels and other floating structures.**

(a) Any vessel or floating structure that is found to be trespassing as defined in subsection (b) of this section may be immediately removed and impounded by the city at the expense of the owner.

(b) Trespass occurs when:

(1) Any vessel or other floating structure is placed or parked in any tow away zone that is posted with a tow away zone sign. All grassed area at the marina are tow away zones.

(2) Any vessel or other floating structure placed, parked, moored or otherwise attached to any city property other than a posted tow away zone, and the owner or operator fails to remove same after warning.

(3) Any vessel or other floating structure is found to be obstructing the egress and/or ingress of vessels at the city's marina.

(Code 1957, § 13-29)



**vessels****Sec. 13-54. Anchoring and mooring of vessels.**

(a) No person shall establish any floating mooring device or anchor or moor any vessel or floating structure in the waters of the city other than mooring at a dock or similar facility for more than 72 continuous or cumulative hours during a 30-day period. Any vessel that anchors or moors in excess of 72 hours is not to be considered as exercising a right of navigation.

(b) Public anchorages may be designated by the city manager or his authorized representative, in which areas floating mooring devices may be established by the city or by private parties at the option of the city. Establishment or use of such a device shall require a permit from the city, for which reasonable charges may be assessed. No such device shall be established or used prior to the issuance of such permit.

(c) This section shall not apply to the following:

(1) Any vessel or floating structure owned and operated by the state or the United States government.

(2) Any vessel or floating structure operating within the Florida Intracoastal Waterway.

(Code 1957, § 13-30)

**Sec. 13-55. A menace to navigation prohibited.**

(a) It shall be unlawful for any person to maintain, anchor or moor any vessel or floating structure in such a manner as to cause or be considered a menace or obstruction to navigation.

(b) Abandoned boats shall be disposed of pursuant to F.S. ch. 705.

(Code 1957, § 13-31)

**Sec. 13-56. Sunken boats.**

(a) *Public hazard and/or public nuisance; removal requirement.* Sunken boats in any waters within the city are declared to be a public nuisance. If a boat sinks in a harbor, marina, channel or in any of the waters within the city limits, it shall be the duty of the owner thereof to immediately remove the same at their expense, and on their failure to do so the city manager or designee shall remove such at the expense of the owner. If for whatever reason the owner or owners are not known, notice shall be given by publication in a newspaper of general circulation in the county.

(b) *Collection of costs of removal.* If it becomes necessary for the director to remove a sunken boat, the city may, at its option, attach a lien to the salvage or enter suit against the owner to recover such costs, or both.

(Code 1957, § 13-32)

**Sec. 13-57. Health and sanitation rules of city; disorderly conduct, etc.**

All persons on board a watercraft moored to land, docks, piers, wharves or anchored in

the waterways of the city shall observe all health and sanitary regulations of the city and all ordinances of the city relating to the conduct of persons, including those prohibiting acts contrary to the health, morals, safety or public peace, and including ordinances prohibiting disorderly conduct or loud and boisterous noises which disturb the peace.

(Code 1957, § 13-33)

**Cross references:** Health and sanitation, ch. 8.

#### **Sec. 13-58. Excessive operating noise.**

No operator shall cause or allow excessive noise in the operation of watercraft or in operating blowers, machinery, or motors of or on board a watercraft in violation of any noise control ordinance of the city.

(Code 1957, § 13-34)

**Cross references:** Noise, § 11-141 et seq.

#### **Sec. 13-59. Refuse disposal.**

(a) It shall be unlawful for any person to dump or throw, or cause to be dumped or thrown, waste material, refuse, petroleum products or other debris into any waterways of the city.

(b) All watercraft moored or docked in the waterways within the city limits other than at the municipal docks shall provide garbage cans of sufficient capacity (not larger than 32 gallons, with tightfitting tops) to hold garbage or refuse to be collected by the city or its contractors. The city or its contractors shall have the authority to assess reasonable fees for the collection of such garbage or refuse.

(c) The city shall furnish and provide sufficient garbage containers near the municipal docks to service all watercraft moored at such docks, and the city shall make collections as established by ordinance.

(d) No one shall throw, drop or leave fish, garbage, trash, refuse, bait or other debris on docks, walls, parkways, parks or other premises within the city except in proper receptacles provided for same.

(Code 1957, § 13-35)

**Cross references:** Solid waste management, ch. 17.5.

#### **Sec. 13-60. Equipment for excrement, waste, refuse.**

No person shall use or maintain living quarters on any motor boat, yacht, houseboat, floating home or any other type of watercraft on any of the waters within the city limits unless the same shall be equipped with a holding tank and/or chlorinator-macerator or other equipment sufficient for the purpose of containing all excrement, waste and refuse from such craft, and the same shall be disposed of in accordance with the rules and regulations heretofore or hereafter established by resolution of the city council for the disposal of same, but in no event shall any part thereof be released into any of the waters within in the city.

(Code 1957, § 13-36)

**Cross references:** Waste from houseboats, § 8-2.

## ARTICLE III. BOATS\*

**Sec. 13-61. Enforcement.**

(a) The city manager or designee is hereby authorized to enforce the provisions of this article.

(b) If any watercraft is impounded as the result of a violation of any provisions of this article and the watercraft is unclaimed, the city shall dispose of the property in accordance with F.S. §§ 705.102, 705.103, 705.104, 328.15 and 328.17.

(Code 1957, § 13-37)

**Sec. 13-62. Penalty for violations.**

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished as provided by section 1-11 of this Code.

(Code 1957, § 13-38)

Secs. 13-63–13-75. Reserved.

RECEIVED  
CITY OF MIAMI BEACH  
OFFICE OF THE MAYOR & COMMISSIONER  
CITY MANAGER'S OFF,  
BY  
MEMORANDUM

TO: JORGE M. GONZALEZ  
CITY MANAGER

FROM: JOSE SMITH  
COMMISSIONER JS

DATE: February 4, 2005

RE: AGENDA ITEM  
MOORING AND ANCHORING OF VESSELS

Please refer the attached ordinance for discussion at the next Neighborhoods/ Community Affairs Committee meeting.

Thank you.

JS/els

Agenda Item CYA  
Date 2-23-05

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO WATERCRAFT; AMENDING CHAPTER 66 BY ENACTING A NEW SECTION 66-8 REGULATING THE MOORING AND ANCHORING OF WATERCRAFT WITHIN THE BOUNDARIES OF THE CITY; PROHIBITING ANCHORING OR MOORING FOR NONNAVIGATIONAL PURPOSES; DEFINING NONNAVIGATIONAL PURPOSES; ESTABLISHING A PENALTY FOR VIOLATION; PROVIDING FOR REPEALER OF ALL CONFLICTING ORDINANCES, RULES AND REGULATIONS; PROVIDING FOR CODIFICATION AND A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission finds and declares that the proliferation of watercraft in the waters of Biscayne Bay within the boundaries of the City have had and have a deleterious effect upon the health, safety and welfare of the residents of the City in that they: potentially serve as a source for pollution and contamination through discharge of human waste as well as garbage, refuse, debris, petroleum products and other obnoxious materials; constitute esthetic pollution, being unsightly and interfering with views and enjoyment by the public of the beautiful vistas of Biscayne Bay; constitute a nuisance and invasions of the privacy of homeowners and other residents of property adjacent or proximate to the Bay; constitute a threat to the safety, health and welfare of residents of the City through unregulated activity upon and aboard such watercraft; and numerous other problems and disadvantages which adversely affect the quality of life of the residents and visitors to the City; and

**WHEREAS**, it is the intent of the City to mitigate the adverse impact of anchored or moored watercraft, recognizing that the State of Florida has established a preemption of regulation of certain activity under Section 327.60 Florida Statutes and the Florida Administrative Code R68D-23.101(3) which addresses vessels "in navigation" but permit local regulation of stationary vessels, not "in navigation"; and

**WHEREAS**, the City has conducted studies and observed the advent of vessels not in navigation.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND MEMBERS OF THE COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION ONE.**

The above findings are adopted and made a part of this Ordinance.

## **SECTION TWO.**

Chapter 66 of the Code of Ordinances of the City is hereby amended by the addition of a new section 66-8 to read:

### **Sec. 66-8 Vessels not in Navigation.**

- a. A non-live aboard vessel not "in navigation," or "not engaged in the exercise of the rights of navigation," is defined as one that has been anchored at one or more locations within the boundaries of the city for seven (7) consecutive days.
- b. A non-live aboard vessel not in navigation, or not engaged in the exercise of the rights of navigation, is prohibited from anchoring or mooring within one or more locations within the boundaries of the city for more than seven (7) consecutive days, provided that such prohibition shall not prevent a non-live aboard vessel from addressing a bona-fide emergency, or locating within designated anchoring and mooring areas. This section shall not apply to vessels significantly moored to or docked at private property with the consent of the property owner, whether or not also anchored to secure the vessel.

## **SECTION THREE. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

## **SECTION FOUR. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

## **SECTION FIVE. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

## **SECTION SIX. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

M. H. Dublin      2-15-05  
City Attorney      Date

First Reading:  
Second Reading:

A:\ANCHORING ORDINANCE 012705.doc

3. Memorandum of Commissioner Smith dated July 21, 2004, "Referral to Marine Authority and Neighborhoods Committee," with attached letter from Ronald Kreingold dated March 29, 2004 and letter from the Palm, Hibiscus, Star Islands Association. Also attached is the report to Neighborhood/Community Affairs Committee on September 29, 2004 of the results of a Marine Authority Meeting of July 28, 2004.




C: CMC  
RCM  
LC

**CITY OF MIAMI BEACH**  
**OFFICE OF THE MAYOR & COMMISSION**

**MEMORANDUM**

**TO:** JORGE M. GONZALEZ  
CITY MANAGER

**FROM:** JOSE SMITH  
COMMISSIONER 

**DATE:** JULY 21, 2004

**RE:** REFERRAL TO MARINE AUTHORITY AND NEIGHBORHOODS  
COMMITTEE

Please refer the attached letter regarding to the Marine Authority Board and the Neighborhoods Committee for discussion.

Thank you.

JS/els

RECEIVED  
2004 JUL 22 AM 9:10  
CITY MANAGER'S OFFICE  
BY

Agenda Item CYC  
Date 7-28-04

**M. RONALD KRONGOLD**

201 ALHAMBRA CIRCLE  
SUITE 301  
CORAL GABLES, FLORIDA 33134  
TELEPHONE: (305) 446-3033  
TELECOPY: (305) 443-4469

**March 29, 2004**

Jose Smith, Vice Mayor  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, FL 33139

Re: Ordinance Proposing Limits on  
Live a Boards and Houseboats

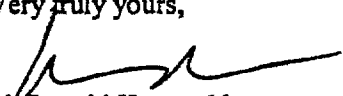
Dear Jose:

Enclosed please find the letter that went out to each owner in the Miami Beach Homeowners Association. The suggested language for the ordinance is contained within the letter as set for the below.

No boat, houseboat, vessel or watercraft of any kind may be used as a place of abode or dwelling while anchored, moored or tied up in any waterway, canal or within the Miami Beach city limits in Biscayne Bay.

I would appreciate it if you would sponsor this bill. Should you have any questions, please call me.

Very truly yours,

  
M. Ronald Krongold

MRK:mpc  
Encls.

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Palm • Hibiscus • Star  
ISLANDS ASSOCIATION, INC.

March 26, 2004

Amy Rabin  
President, Sunset Island 3 & 4  
11111 Sunset Drive  
Miami Beach, FL 33139

**RE: Ordinance Proposing Limits on Live a Boards and Houseboats**

Dear Amy,

I hope all is well with you and the Homeowners Association on Sunset Islands 3 & 4. The Palm-Hibiscus-Star Islands Association has recently passed a resolution on a matter that should be important to each homeowners association located within the City of Miami Beach, especially those on the water. The resolution that was passed calls for the City of Miami Beach to pass an ordinance similar to those passed by North Bay Village, Miami Shores, Indian Creek, City of Coral Gables, Golden Beach, Hallandale Beach, Lake Worth and Boca Raton, to name just a few. Each of the ordinances passed by these cities is similar to the Miami Shores ordinance:

**(t) (1) "No boat, houseboat, vessel or watercraft of any kind may be used as a place of abode or dwelling while anchored, moored or tied up in any waterway, canal or within the village limits in Biscayne Bay."**

The situation of live a boards is totally unregulated, exempt from all code enforcement, including property maintenance, sanitation, and safety regulation. Obviously, security is also a major concern. To make things worse, live-aboard provide no tax base yet all the citizens of Miami Beach are responsible to pay for the cost of City services provided to them when they come ashore, including garbage removal, fire and police services.

What has been occurring is that boats from all parts of the Northern United States and Canada are coming to south Florida and anchoring their boats in our residences back yards sometimes only 50 to 75 feet from the rear property line of homes although Miami Beach. The residences have no way of knowing who these people are but they do know that they can not stop them from dumping and or discharging their bilges into Biscayne Bay just off of our residences rear property lines.

152 Palm Avenue • Miami Beach, FL 33139

2nd page  
Item C4C

With a boat sitting for days or months behind a home on Miami Beach, the boat owner can easily watch the coming and going of the home owners which allows for a heightened security risk. The marine patrol does not have the authority to ask these boats to pull anchor and leave since Miami Beach does not have an ordinance, which would give the patrol this authority.

The Palm-Hibiscus-Star Islands Association would like to invite your association to support our efforts in having an ordinance passed similar to the one set-forth above. Please support our effort, both on behalf of our residences and yours by executing a duplicate copy of this letter and returning it to me at the address listed above. Please feel free to contact me if you have any questions, comments or suggestions with respect to this topic. You can reach me by mail at 152 Palm Avenue, Miami Beach, FL 33139, by phone at (305) 299-2617, or by e-mail at [tim.rose@phsislands.org](mailto:tim.rose@phsislands.org). Thank you in advance for your participation in this effort.

Sincerely,

Tim W. Rose, Jr.  
Executive Director

The \_\_\_\_\_ Homeowners Association has considered the statements set-forth above and hereby affirms and acknowledges its support for an ordinance similar to the one contained in this document.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_



**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A Resolution approving the vacation of a portion of West 59<sup>th</sup> Street street-end, west of North Bay Road, in favor of Roger Schindler and wife Leslie, owners of the adjacent property located at 5860 North Bay Road.

**Issue:**

Shall the City vacate a portion of West 59<sup>th</sup> Street street-end, west of North Bay Road?

**Item Summary/Recommendation:**

The City Commission on March 20, 2002, following the recommendation of the Land Use and Development Committee, directed the disposition of the street-ends on West 56<sup>th</sup> and West 59<sup>th</sup> Streets to the adjacent property owners. The property owners adjacent to West 59<sup>th</sup> Street street-end have complied with the vacation application requirements by submitting the application fee and providing a list of affected property owners. This application was delayed while the City reviewed the authority and procedure for vacating or disposing of public right-of-ways and property. The Finance and Citywide Projects Committee on June 9, 2004 requested the Administration treat each applicant on a case by case basis. At another meeting on August 18, 2004 the Finance and Citywide Projects Committee recommended that all requests for vacating City property meet the criteria established for a revocable permit and prove that there is an extraordinary public benefit to be provided by such vacation. The City Commission adopted that recommendation at the meeting on September 8, 2004.

The applicant has withdrawn the request for vacating property since the item was opened and continued during the Commission meeting on February 23, 2005. The Administration recommends no further action on this item.

**Advisory Board Recommendation:**

N/A

**Financial Information:**



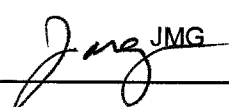
Source of Funds:		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

Finance Dept.

**City Clerk's Office Legislative Tracking:**

Robert T. Halfhill

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2005\Feb2305\Regular\59th St. Schindler Summary.doc

AGENDA ITEM R7A  
DATE 4-20-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, APPROVING AND AUTHORIZING THE VACATION OF A PORTION (THE SOUTHERN HALF) OF THE WEST 59TH STREET STREET-END, WEST OF NORTH BAY ROAD, IN FAVOR OF ROGER J. SCHINDLER AND LESLIE SCHINDLER, OWNERS OF THE ADJACENT PROPERTY, LOCATED AT 5860 NORTH BAY ROAD; RETAINING UTILITY EASEMENT RIGHTS WITHIN SAID VACATED PORTION OF THE STREET; WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS, PURSUANT TO ARTICLE II, SECTION 82-36 THROUGH 82-40 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE VACATION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW AND APPROVAL OF SAME BY THE CITY ATTORNEY'S OFFICE.**

### ADMINISTRATION RECOMMENDATION:

The applicant has withdrawn the request for vacating property. The Administration recommends no further action on this item.

### BACKGROUND:

City right-of-ways have been vacated previously by criteria established by the City in 1989 and City Code, Chapter 82, Article II, Section 82-37. When the LaGorce-Golf Subdivision was platted in 1925, a portion of West 56<sup>th</sup> Street and West 59<sup>th</sup> Street, at the extreme ends adjacent to the bay, were retained as private land and sold to one of the adjacent property owners (see attached sketch "A"). A thirty (30) feet deep portion of West 59<sup>th</sup> Street street-end is now owned by Roger Schindler and wife Leslie, owners of the property located at 5860 North Bay Road.

Mr. Roger Schindler was granted a revocable permit on December 24, 1991 for the installation of a wrought iron gate and fence enclosing the remainder of West 59th Street street-end, west of North Bay Road.

In 2001, when a construction permit was sought for the reconstruction of the existing wall

and gates, an amendment to the revocable permit was requested. On December 19, 2001 an amendment to the revocable permit was denied by the City Commission because of the ownership questions. The issue was referred to the Land Use and Development Committee.

The City Commission, upon the recommendation of the Land Use and Development Committee, directed the Administration to consider the sale of the street-ends on West 56<sup>th</sup> and West 59<sup>th</sup> Streets to the adjacent property owners, while maintaining all the necessary utility easements.

Mr. Thomas Harris and Mr. Roger Schindler, the property owners adjacent to the West 59th Street street-end, responded affirmatively to this vacation offer and met the requirements as set forth in the July 26, 1989 Land Use Committee guidelines and City Code Chapter 82, Article II Sec. 82-37 for street vacation application requirements. The review of these requests by the Commission was delayed due to questions regarding the City's procedures for vacating, selling or otherwise disposing of City owned property. The Finance and Citywide Projects Committee on June 9, 2004 recommended each applicant be evaluated on a case by case basis.

On July 7, 2004 the City Commission adopted Resolution Nos. 2004-25621 and 2004-25622 setting a public hearing for September 8, 2004 to consider the vacation of 59th Street. At the same meeting the City Commission referred the issue of vacating City property to the Finance and Citywide Projects Committee.

The Finance and Citywide Projects Committee met on August 18, 2004 and recommended that all requests for vacating City property must meet the seven criteria for granting of revocable permits and must demonstrate that an extraordinary public benefit will be provided by such vacation.

#### **ANALYSIS:**

The application was evaluated using the criteria for a revocable permit and supported by the attached Planning Analysis written by the Planning Department. The Administration's review of the seven criteria elements for revocable permits is provided below:

- 1) That the applicants need is substantial.

Not satisfied. The applicants have not demonstrated that their need for half of the street-end is substantial.

- 2) That the applicants hold title to an abutting property.

Satisfied.

- 3) That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws.

Satisfied. Any improvement would have to be permitted and approved by the City.



- 4) That the grant of such application will have no adverse effect on governmental/utility easements and uses on the property.

Satisfied. The City retains utility easements.

- 5) Alternatively:

- a) That an unnecessary hardship exists that deprives the applicant of a reasonable use of the land, structure or building for which vacation is sought, arising out of special circumstances and conditions that exist and were not self-created and are peculiar to the land, structures or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district and the grant of the application is the minimum that will allow reasonable use of the land, structures or building;

Not satisfied. The applicants have not demonstrated that any hardship exists that deprives them of a reasonable use of the existing street-end.

- b) That the grant of the vacation will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage, improved lighting, and improved security.

Not satisfied. The applicants have not demonstrated that the grant of the vacation will enhance the neighborhood. On the contrary the applicants have pursued the vacation to legalize the construction of a wall and gates that would keep the street-end private and deprive the neighbors and the general public of open green space and open bay vistas.

- 6) That granting the vacation requested will not confer on the applicants any special privilege that is denied to other owner of land, structures or buildings subject to similar conditions.

Not satisfied. A similar request at 2900 Prairie Avenue has been denied.

- 7) That granting the vacation will not be injurious to the surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.

Not satisfied. By definition, a public right-of-way is property held by the City as a community resource to be used for public benefit. If the street-end is vacated title will be conveyed to the applicants allowing them to enclose the property with gates, fence, vegetation, etc., therefore taking away open green space and bay views from the general public.

The applicants have not demonstrated that an extraordinary public benefit will be created by vacating the street-end and taking it away for use and enjoyment by the general public.

The Planning Analysis conducted by the Planning Department does not endorse the

vacation of the 59<sup>th</sup> Street street-end.

In accordance with Ordinance No. 92-2783, codified into City Code Chapter 82, Article II, Section 82-37, the City has advertised and scheduled the public hearing during the September 8, 2004, Commission meeting.

JMG/RCM/FHB/II

T:\AGENDA\2004\Nov1004\Regular\59th St Schindler Memo.doc

LAW OFFICES OF  
SIMON, SCHINDLER & SANDBERG

A LIMITED LIABILITY PARTNERSHIP  
2650 BISCAYNE BOULEVARD  
MIAMI, FLORIDA 33137-4590

TOBIAS SIMON (1929 - 1982)  
DAVID S. GORDON  
THOMAS M. PFLAUM ♦  
MARCI A. RUBIN  
NEAL L. SANDBERG  
ROGER J. SCHINDLER  
STEVEN J. SILVERMAN \*

TELEPHONE (305) 576-1300  
FACSIMILE (305) 576-1331

April 4, 2005

♦ Of Counsel  
\* Also admitted in New York

Fred H. Beckmann  
Public Works Director  
City of Miami Beach  
City Hall, 1700 Convention Center Drive  
Miami Beach, FL 33139

Re: Vacation of 59<sup>th</sup> St. Street-End

Dear Mr. Beckmann:

I have been unable to determine the implications of the withdrawal of the request for vacation of the 59<sup>th</sup> St. Street-End by my neighbor to the north, Mr. Thomas Harris, pursuant to his counsel's letter of November 4, 2004. Accordingly, I would also request an indefinite continuance or alternatively a cancellation of my application for a vacation of the 59<sup>th</sup> St. Street-End, and a return of the \$5,000 deposit which I was advised would be returned if the application was denied or cancelled.

It is my understanding that there is a hearing scheduled for April 20, 2005 and I would request that the hearing be cancelled. Thank you for your office's courtesies throughout these proceedings and cooperation throughout these proceedings.

Very truly yours,

ROGER J. SCHINDLER

RJS:rtr

cc. Raul Aguilar/City Attorney's Office  
Robert Halfhill/Dept. of Public Works

RECEIVED  
CITY OF MIAMI BEACH  
05 APR -7 AM 8:55  
FACSIMILE TRANSMISSION

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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A Resolution approving the vacation of a portion of West 56th Street street-end, west of North Bay Road, in favor of Mary Elizabeth Donnelly, owner of the adjacent property located at 5480 North Bay Road.

**Issue:**

Shall the City vacate a portion of West 56th Street street-end, west of North Bay Road?

**Item Summary/Recommendation:**

City right-of-ways have been vacated previously by criteria established by the City in 1989 and City Code, Chapter 82, Article II, Section 82-37. When originally platted, 56th and 59th Street street-ends were unique situations, in that the extreme ends of the streets at the bay are privately owned by the adjacent property owners. The City Commission on March 20, 2002, following the recommendation of the Land Use and Development Committee, directed the disposition of the street-ends on West 56th and West 59th Streets to the adjacent property owners. The property owners adjacent to West 56<sup>th</sup> and 59<sup>th</sup> Street street-ends have complied with the vacation application requirements by submitting the application fee and providing a list of affected property owners. This application was delayed while the City reviewed the authority and procedure for vacating or disposing of public right-of-ways and property. The Finance and Citywide Projects Committee on June 9, 2004 requested the Administration treat each applicant on a case by case basis. At another meeting on August 18, 2004, the Finance and Citywide Projects Committee recommended that all requests for vacating City property meet the criteria for a revocable permit and prove that there is an extraordinary public benefit to be provided by such vacation. The City Commission adopted that recommendation at the meeting on September 8, 2004.

The Administration recommends denial of the request to vacate property based on the failure to meet four of the seven evaluation criteria for a revocable permit no extraordinary public benefit and no endorsement by the Planning Analysis conducted by the Planning Department.

The applicant has withdrawn the request for vacating property since the item was opened and continued during the Commission meeting on February 23, 2005. The Administration recommends no further action on this item.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div> Finance Dept.	1			
	2			
	3			
	4			
	<b>Total</b>			

**City Clerk's Office Legislative Tracking:**

Robert T. Halfhill

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager

AGENDA ITEM R7B

DATE 4-20-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING, APPROVING AND AUTHORIZING THE VACATION OF A PORTION (THE SOUTHERN HALF) OF WEST 56TH STREET STREET-END, WEST OF NORTH BAY ROAD, IN FAVOR OF MARY ELIZABETH DONNELLY, OWNER OF THE ADJACENT PROPERTY LOCATED AT 5480 NORTH BAY ROAD; RETAINING UTILITY EASEMENT RIGHTS WITHIN SAID VACATED PORTION OF THE STREET; WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS, PURSUANT TO ARTICLE II, SECTION 82-36 THROUGH 82-40 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE VACATION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW AND APPROVAL OF SAME BY THE CITY ATTORNEY'S OFFICE.**

### ADMINISTRATION RECOMMENDATION:

The applicant has withdrawn the request for vacating property. The Administration recommends no further action on this item.

### BACKGROUND:

City right-of-ways have been vacated previously by criteria established by the City in 1989 and City Code, Chapter 82, Article II, Section 82-37. When the LaGorce-Golf Subdivision was platted in 1925, a portion of West 56<sup>th</sup> Street and West 59<sup>th</sup> Street, at the extreme ends adjacent to the bay, were retained as private land and sold to one of the adjacent property owners (see attached sketch "A"). An approximately fifteen feet deep portion of West 56<sup>th</sup> Street street-end is now owned by Burton S. and Rose Kahn, owners of the property located at 5600 North Bay Road.

On July 7, 2004 the City Commission adopted Resolution Nos. 2004-25621 and 2004-25622 setting a public hearing for September 8, 2004 to consider the vacation of 59<sup>th</sup> Street. At this meeting, Mrs. Donnelly requested to be allowed to process her application at the same time as Mr. Schindler's; the Commission approved her request. At the same meeting the City Commission referred the issue of vacating City property to the Finance

and Citywide Projects Committee.

The Finance and Citywide Projects Committee met on August 18, 2004 and recommended that all requests for vacating City property must meet the seven criteria for granting of revocable permits and must demonstrate that an extraordinary public benefit will be provided by such vacation.

On September 8, 2004, the City Commission endorsed the Finance and Citywide Projects Committee recommendation.

## **ANALYSIS**

The application was evaluated using the criteria for a revocable permit and supported by the attached Planning Analysis written by the Planning Department. The Administration's review of the seven criteria elements for revocable permits is provided below:

- 1) That the applicant need is substantial.

Not satisfied. The applicant has not demonstrated that her need for half of the street-end is substantial.

- 2) That the applicant holds title to an abutting property

Satisfied.

- 3) That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws.

Satisfied. Any improvement would have to be permitted and approved by the City.

- 4) That the grant of such application will have no adverse effect on governmental/utility easements and uses on the property.

Satisfied. The City retains utility easements.

- 5) Alternatively:

- a) That an unnecessary hardship exists that deprives the applicant of a reasonable use of the land, structure or building for which vacation is sought, arising out of special circumstances and conditions that exist and were not self-created and are peculiar to the land, structures or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district and the grant of the application is the minimum that will allow reasonable use of the land, structures or building;

Not satisfied. The applicant has not demonstrated that any hardship exists that deprives her of a reasonable use of the existing street-end.

- b) That the grant of the vacation will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage,

improved lighting, and improved security.

Not satisfied. The applicant has not demonstrated that the grant of the vacation will enhance the neighborhood. On the contrary the applicant has pursued the vacation to legalize the construction of a wall and gates that would keep the street-end private and deprive the neighbors and the general public of open green space and open bay vistas.

- 6) That granting the vacation requested will not confer on the applicant any special privilege that is denied to other owner of land, structures or buildings subject to similar conditions.

Not satisfied. A similar request at 2900 Prairie Avenue has been denied.

- 7) That granting the vacation will not be injurious to the surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.

Not satisfied. By definition, a public right-of-way is property held by the City as a community resource to be used for public benefit. If the street-end is vacated title will be conveyed to the applicant allowing her to enclose the property with gates, fence, vegetation, etc., therefore taking away open green space and bay views from the general public.

The applicant has not demonstrated that an extraordinary public benefit will be created by vacating the street-end and taking it away for use and enjoyment by the general public.

The Planning Analysis conducted by the Planning Department does not endorse the vacation of the 59<sup>th</sup> Street street-end.

In accordance with Ordinance No. 92-2783, codified into City Code Chapter 82, Article II, Section 82-37, the City has advertised and scheduled the public hearing during the September 8, 2004, Commission meeting.

JMG/RCM/FHB/II

T:\AGENDA\2004\Nov1004\Regular\56th St. Donnelly Vacating Memo.doc



Monday, April 4th, 2005

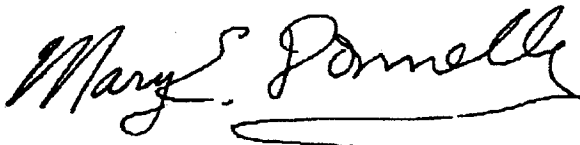
Robert T. Halfhill,  
Public Works,  
City of Miami Beach  
City Hall, Miami Beach 33139

Re: Vacation of Remnant Parcel at 56th Street  
and North Bay Road

Dear Mr. Halfhill,

I understand that Mr. Roger Schindler at 59th Street and North Bay Road has withdrawn his request for the City to vacate that parcel up there, which is situated the same as mine down here. In this case, please withdraw my petition for the time being, pending further developments.

Sincerely,



Mary Elizabeth Donnelly  
5480 North Bay Road,  
Miami Beach, Florida 33140  
(305) 864-0836

**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, authorizing, following a duly noticed Public Hearing on April 20, 2005 to hear public comments, the vacation of a portion of an alley adjacent to lots 2 through 7 of the amended plat of Aquarium Site Subdivision, containing approximately 4,200 square feet, in favor of the applicant (and developer of the Vitri Project), 535 West Avenue, LLC, and approving and accepting the dedication by 535 West Avenue LLC, of portions of lots 8, 9, 10 and 13 of the same subdivision, containing approximately 4,200 square feet, for perpetual use as a public alley, thus reconfiguring the alley to connect between 6th Street and West Avenue instead of Alton Road.

**Issue:**

Shall the Mayor and City Commission approve the vacation of a portion of the alley in Aquarium Site Subdivision in exchange for an equal property reconfiguring the alley to allow the development of the Vitri project at 535 West Avenue?

**Item Summary/Recommendation:**

535 West Avenue LLC, owns Lots 1 through 10 and Lots 13 to 19 of the Aquarium Subdivision. In November 2004, 535 West Avenue LLC, obtained the required approval from the City's Design Review Board for the "Vitri", a project extending over the Lots mentioned above. In order to unify the pedestal of the project which includes the parking spaces for the development, the proposed project had to include a portion of the platted alley.

535 West Avenue LLC, the developer, has submitted an application requesting the City for the vacation of that portion of this alley which would be incorporated within the footprint of the proposed project, containing approximately 4200 square feet, and a proposal to grant the City portions from their Lots 8,9,10 and 13, containing the same approximate square footage, to be dedicated as an alley for public use within the same block. The new alley would be reconfigured to connect Sixth Street and West Avenue instead of Alton Road. Additionally, the developer/applicant has agreed to make a \$125,000 voluntary contribution to be used by the City's Capital Improvement Program.

The City has met with adjoining property owners to address concerns regarding future use and access for the new alley that is to be created if this item is approved. Access issues have been addressed to the satisfaction of the concerned parties.

Administration recommends approval of the Resolution

**Advisory Board Recommendation:**

**Financial Information:**

Source of Funds:		Amount	Account	Approved
	1			
Finance Dept.	Total			

**City Clerk's Office Legislative Tracking:**

Robert Halfhill, Public Works 6833

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
FHB	 RSM	 JMG

M:\\$CMB\PUBLIC WORKS DEPARTMENT\COMMISSION AGENDA ITEMS\Vitri Alley Vacation Sum.doc

AGENDA ITEM

R7C

DATE

4-20-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, APPROVING AND AUTHORIZING THE VACATION OF A PORTION OF AN ALLEY ADJACENT TO LOTS 2 THROUGH 7 OF THE AMENDED PLAT OF AQUARIUM SITE RESUBDIVISION, CONTAINING APPROXIMATELY 4,200 SQUARE FEET IN FAVOR OF THE APPLICANT (AND DEVELOPER OF THE VITRI PROJECT), 535 WEST AVENUE, LLC, AND APPROVING AND ACCEPTING THE DEDICATION BY 535 WEST AVENUE LLC, OF PORTIONS OF LOTS 8, 9, 10 AND 13 OF SAME SUBDIVISION, CONTAINING APPROXIMATELY 4,200 SQUARE FEET, FOR PERPETUAL USE AS A PUBLIC ALLEY; WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS, PURSUANT TO ARTICLE II, SECTION 82-36 THROUGH 82-40 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; PROVIDED FURTHER THAT THE CITY'S APPROVAL OF THE AFORESTATED VACATION AND ACCEPTANCE IS SUBJECT TO AND CONTINGENT UPON 535 WEST AVENUE, LLC'S SATISFACTION OF THE CONDITIONS SET FORTH IN THIS RESOLUTION; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE VACATION AND ACCEPTANCE OF DEDICATION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW OF SAME BY THE CITY ATTORNEY'S OFFICE; AND ACCEPTING A \$125,000 VOLUNTARY CONTRIBUTION TO THE CITY'S CAPITAL IMPROVEMENT PROGRAM.

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

When the Aquarium Site was platted in 1925 and approved by the City of Miami Beach Council, it had a 15 ft. wide alley running from Alton Road to Sixth Street.

535 West Avenue LLC owns Lots 1 through 10 and Lots 13 to 19 of the Aquarium Site Subdivision. In November 2004, 535 West Avenue LLC obtained the required approval from the City's Design Review Board for the "Vitri", a project extending over the Lots mentioned above. In order to unify the pedestal of the project which includes the parking spaces for the development, the proposed project had to include a portion of the platted alley.

535 West Avenue LLC, the developer, has submitted an application requesting the City for the vacation of that portion of this alley which would be incorporated within the proposed project, containing approximately 4200 square feet, and is proposing to dedicate for public use to the City, portions from their Lots 8,9,10 and 13 containing also approximately 4200 square feet, to be used as an alley within the same block. The new alley would be reconfigured to connect Sixth Street and West Avenue instead of Alton Road. (See Attachment A).

535 West Avenue LLC. the developer, has complied with the requirements as set forth in the July 26, 1989 Land Use Committee guidelines and City Code Chapter 82, Article II Sec. 82-37 for requesting the vacation of a City right-of-way.

Pursuant to Resolution No. 2005-25805, and as required by Section 82-37 of the City Code, the Mayor and City Commission have set a duly noticed public hearing on April 20, 2005, to hear public comment regarding the proposed alley vacation, and to accept a grant of an equal sized portion of property for use as a replacement alley.

The applicant has also agreed to a voluntary contribution of \$125,000 to be utilized towards the City's capital projects program. As the City continues to address a more proactive growth management approach towards development, ongoing future contributions from other projects will be utilized to address a bank of public projects deemed important to enhance the City's quality of life.

In addition the City has met with representatives of the Vitri Project and Mr. Ricardo Dopico and Ms. Nellie Santamaria representing Estefan Enterprises Inc., owners of the property adjacent to the Vitri Project at 1220-1234 6th Street, to discuss their client's concerns on not having participated in the review of the alley vacation request. Specifically, Estefan Enterprises Inc. is concerned about the ingress/egress of trucks through the alley and wants to be assured that the alley will be wide enough to ensure there will be no impacts to their property or any structure thereon or in the future, provided all zoning setbacks and requirements are met.

Subsequent meetings were held with representatives of the Vitri Project and Mr. Ricardo Dopico and Ms. Nellie Santamaria representing Estefan Enterprises Inc.; all concerns regarding the truck traffic impacts on the Estefan property were discussed to the satisfaction of Mr. Dopico and Ms. Santamaria.

As required also by Section 82-38 of the City Code, a Planning Department Analysis has been prepared with regards to the proposed Alley vacation; said analysis is attached and incorporated as Attachment B. The Administration's review of the seven criteria elements

for vacating City property/granting revocable permit is provided below:

1. That the applicant's need is substantial. Satisfied.
2. That the applicant holds title to an abutting property. Satisfied.
3. That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws. Satisfied. The Developer will improve the alley according to the City's applicable Codes and requirements.
4. That the grant of such application will have no adverse effect on governmental/utility easements and uses on the property. Satisfied.
5. Alternatively:
  - a) That an unnecessary hardship exists that deprives the applicant of a reasonable use of the land, structure or building for which vacation is sought, arising out of special circumstances and conditions that exist and were not self-created and are peculiar to the land, structures or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district and the grant of the application is the minimum that will allow reasonable use of the land, structures or building. Satisfied.

That the grant of the vacation will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage, improved lighting, and improved security. Satisfied.
6. That granting the vacation requested will not confer on the applicant any special privilege that is denied to other owner of land, structures or buildings subject to similar conditions. Satisfied.
7. That granting the vacation will not be injurious to the surrounding properties, the neighborhood, or otherwise detrimental to the public welfare. Satisfied.

In addition the Developer/Applicant has demonstrated that an extraordinary public benefit will be gained by building this project which will provide improved public areas such as new and wider sidewalks, new landscape areas, a transit bus bay area with shelter, a public plaza, and a \$125,000 voluntary contribution to the City's Capital Improvement Program.

#### **RECOMMENDATION:**

The City's Public Works Department has reviewed the Developer/Applicant's request for vacation of a portion of the alley and the grant of an equal sized portion of their property to be used as part of a reconfigured alley.

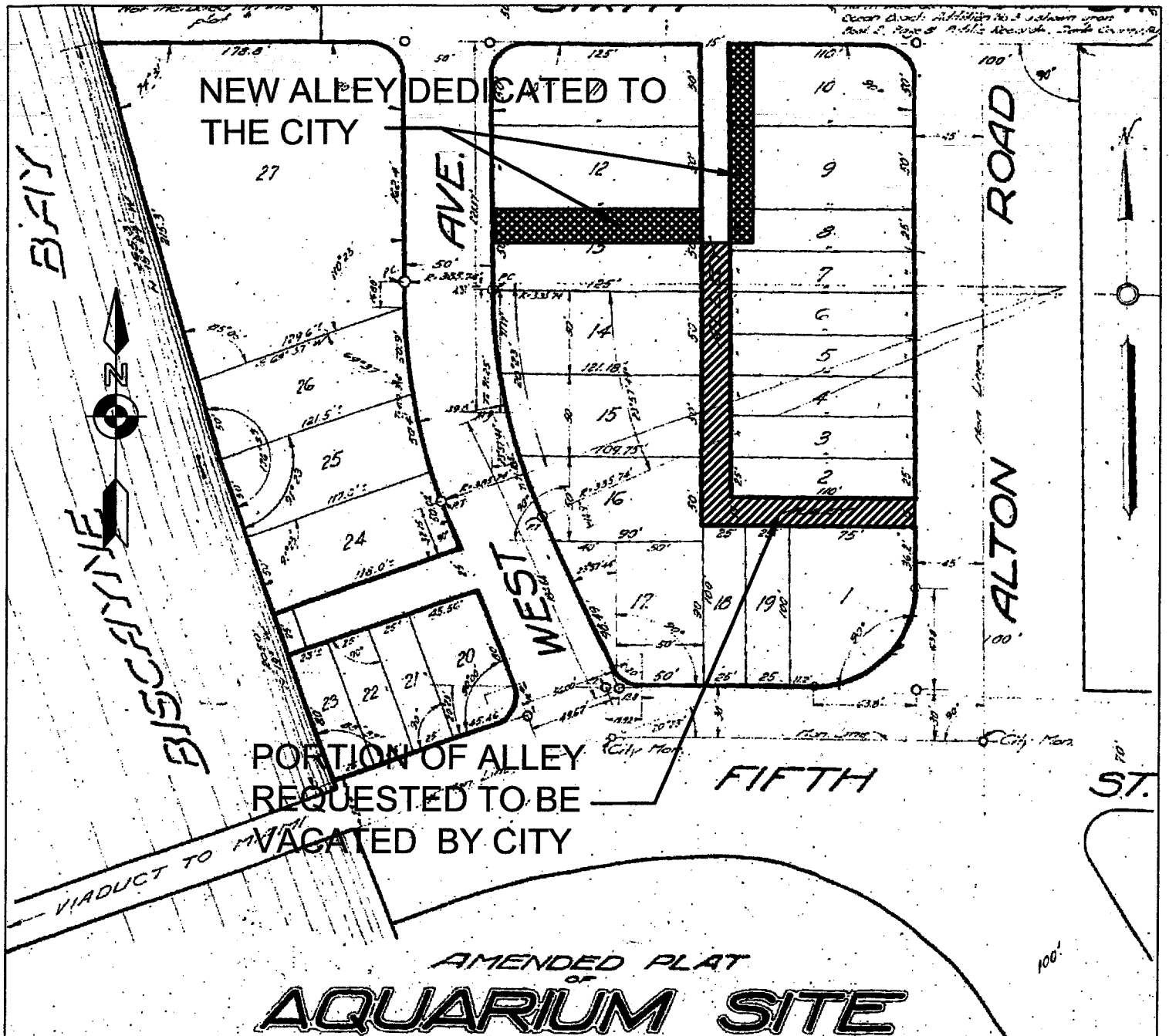
The Administration recommends approval of the vacation of a portion of the existing alley to 535 West Avenue LLC and acceptance of an equal area of land in exchange for and in reconfiguration of the alley, and a \$125,000 voluntary contribution to the City's Capital Improvement Program. The vacation will be subject to the following:

1. The Developer/Applicant shall be responsible for the improvement of the new reconfigured alley including but not limited to resurfacing, landscaping, drainage and lighting of said alley.
2. Developer/Applicant shall obtain no-objection letters and/or agreements from all utility companies franchised within the City for the vacation of the portion of the alley and relocation of any existing utilities.
3. Developer/Applicant shall prepare and execute all documents to effectuate the vacation and acceptance of dedication, including quitclaim deeds, subject to final review of same by the city attorney's office.
4. Developer/Applicant shall prepare and execute all documents to effectuate the vacation including quitclaim deeds for portions of Lots 8, 9, 10, and 13 to be dedicated to the City (Dedicated Alley) containing approximately 4,200 sq. ft, subject to final review of same by the city attorney's office.
5. Developer/Applicant shall obtain a no-objection letter from the adjacent property located at 1220 -6th Street owned by Estefan Enterprises Inc.
6. Developer/Applicant shall be responsible for any landscaping/hardscaping modifications along the proposed alleyway buffer, which may be defined any/or warranted by other development(s) along the proposed/redefined alleyway.
7. Developer owner shall ensure proper and safe access of vehicles at all ingress/egress locations so as to not impact any adjacent existing and/or future developments.
8. Proposed alleyway shall be one way, right turn in, and right turn out access only.
9. Developer/Applicant shall provide additional mitigating measures to improve sight distance as stipulated by the City Engineer.

JMG\RCM\FHB\GK\I

Attachments: A Site Plat with Proposed Changes  
B Planning Department Analysis

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NOTE:—  
All rounded corners  
have a radius of 20 feet  
unless otherwise indicated.  
Distances shown on lots  
and blocks with rounded  
corners are to the inter-  
section of the tangents  
produced.—

**AMENDED PLAT  
OF  
AQUARIUM SITE  
RESUBDIVISION**  
SYNDICATE PROPERTIES INCORPORATED  
Being a portion of Lot Fifty-one (51) all of  
Lots Fifty-two (52) and Fifty-three (53),  
and a part of Lot Fifty-four (54), Block  
One Hundred Eleven (111), Ocean Beach  
Addition, No. 3 Subdivision. All in fractional  
Sections 3 and 4, Twp. 54 S, Range 42 East.

W. E. Brown Engineering Co. Inc.  
Registered Engineers, Miami Beach,  
State of Florida  
Scale: 1 inch = 50' Sept. 30<sup>th</sup> 1925

Note:—  
All block corners to  
points of change in direc-  
tion of property lines are  
permanently monumented.

Note:—The city has the potential  
right and easement to lay  
to maintain sewers, storm  
drains, water pipes, electric  
conducts to other under-  
ground structures on all abut-  
ment streets to alleys shown  
on this plat.

**SKETCH SHOWING VACATION OF PORTION OF ALLEY  
AT VITRI PROJECT-535 WEST AVE  
& DEDICATION OF NEW ALLEY**



## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY** given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, April 20, 2005**, to consider the following:

**10:30 A.M.**

**TO CONSIDER PUBLIC COMMENT, AS REQUIRED BY SECTION 142-425 OF THE CITY CODE**, to Consider An Amendment To The Zoning Map By Changing The Zoning District Classification Of Property Located At 2620 Biarritz Drive, From GU (Government Use) To RS-3 (Single Family Residential), Following The Property's Conveyance By The City To A Private Party, Pursuant To City Commission Resolution No. 2005-25829, All In Accordance With The City's Comprehensive Plan And Land Development Regulations.

Inquiries may be directed to Asset Management at (305) 673-7193.

**11:15 A.M.**

**TO CONSIDER PUBLIC COMMENT, AS REQUIRED BY SECTION 82-37 OF THE CITY CODE**, Regarding The Vacation Of An Alley, Adjacent To Lots 2 Through 7 Of The Amended Plat Of Aquarium Site Resubdivision, Containing Approximately 4,200 Square Feet, In Favor Of The Applicant (And Developer Of The Vitri Project), 535 West Avenue, LLC, And Approving And Accepting The Dedication By 535 West Avenue LLC, Of Portions Of Lots 8, 9, 10 And 13 Of Same Subdivision, Containing Approximately 4,200 Square Feet, For Perpetual Use As A Public Alley.

Inquiries may be directed to the Department of Public Works at (305) 673-7080.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of the agreements and ordinance are available for public inspection during normal business hours in the Planning Department Office, 1700 Convention Center Drive, 2nd Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk  
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).



## **RESOLUTION TO BE SUBMITTED**

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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A Resolution following a duly noticed public hearing approving on first reading an amendment to Section 23.4 of the Development Agreement between the City of Miami Beach and the New World Symphony (NWS), requiring the Developer to proceed with the design and development of Zone 1, comprising the Park and Drexel Avenue between North Lincoln Lane and 17<sup>th</sup> Street and site improvements adjacent to the new garage, at the Owner's cost and expense, not to exceed \$10,000,000; Zone 2, comprising the Theater of the Performing Arts entry landscaping at the Owner's cost and expense, not to exceed \$1,150,000; and Zone 3, comprising North Lincoln Lane improvements, at the Owner's cost and expense, not to exceed \$500,000, and further setting the second public hearing for second reading of the aforesaid first Addendum to the Development Agreement .

**Issue:**

Shall the City Commission set the Public Hearing to consider the proposed amendment to the Development Agreement between the City of Miami Beach and the NWS for the Park Project?

**Item Summary/Recommendation:**

A meeting was held on March 15, 2005, between the City and the NWS, to formally introduce its new Project Manager, Gonzalo Cortabarría of Hines Construction Company and to obtain information relative to the permitting process and costs to be anticipated with the Project. NWS informed the City that it was still not prepared to make any formal announcements relative to its capital funding commitments and that the earliest it would be able to proceed with the amendment would be Summer, 2005.

**To this end, it is recommended to withdraw the proposed amendment until such time that NWS is prepared to proceed.**

**Advisory Board Recommendation:**

Planning Board – August 24, 2004 – Recommended designing NWS and park (east and west lots) as an integrated project.  
Finance and Citywide Projects Committee – Oct 26, 2004 – Motion in favor of amending Development Agreement.

**Financial Information:**

Source of Funds:	Amount		Account	Approved
	1	\$11,650,000	TBD (City Center RDA)	
	2			
	3			
	4			
	<b>Total</b>	<b>\$11,650,000</b>		

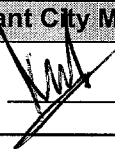
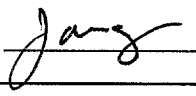
TBD

Finance Dept.

**City Clerk's Office Legislative Tracking:**

Tim Hemstreet, Kent O. Bonde

**Sign-Offs:**

Redevelopment Coordinator	Assistant City Manager	City Manager
KOB _____	TH 	JMG 

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.ci.miami-beach.fl.us



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING APPROVING ON FIRST READING, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 163.3220 – 163.3243, FLORIDA STATUTES, ALSO REFERRED TO AS THE “FLORIDA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT,” A FIRST ADDENDUM TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND THE NEW WORLD SYMPHONY, DATED JANUARY 5, 2004, FOR THE DEVELOPMENT OF A PORTION OF THE SURFACE PARKING LOT, BOUNDED BY 17<sup>TH</sup> STREET TO THE NORTH, NORTH LINCOLN LANE TO THE SOUTH, WASHINGTON AVENUE TO THE EAST AND PENNSYLVANIA AVENUE TO THE WEST, FOR CONSTRUCTION OF AN APPROXIMATELY 50,000 SQUARE FOOT EDUCATIONAL, PERFORMANCE AND INTERNET BROADCAST FACILITY WITH AN EXTERIOR SCREEN (“SOUNDSPACE”), AND AN APPROXIMATELY 320-SPACE (+/-) PUBLIC PARKING GARAGE FACILITY; SAID ADDENDUM AMENDING THE DEVELOPMENT AGREEMENT, REQUIRING THE DEVELOPER TO PROCEED WITH THE DESIGN AND DEVELOPMENT OF ZONE 1, COMPRISING THE PARK AND DREXEL AVENUE BETWEEN NORTH LINCOLN LANE AND 17<sup>TH</sup> STREET, AT THE OWNER’S COST AND EXPENSE, NOT TO EXCEED \$10,000,000; ZONE 2, COMPRISING THE JACKIE GLEASON THEATER OF THE PERFORMING ARTS (TOPA) ENTRY LANDSCAPING AT THE OWNER’S COST AND EXPENSE, NOT TO EXCEED \$1,150,000; AND ZONE 3, COMPRISING NORTH LINCOLN LANE IMPROVEMENTS, AT OWNER’S COST AND EXPENSE, NOT TO EXCEED \$500,000; AND FURTHER SETTING THE SECOND PUBLIC HEARING FOR SECOND READING OF THE AFORESTATED FIRST ADDENDUM TO DEVELOPMENT AGREEMENT ON July 6, 2005.**

### **ADMINISTRATION RECOMMENDATION**

Pursuant to the request of the New World Symphony (NWS), the Administration recommends withdrawing the proposed amendment to the Development Agreement until such time that the NWS is prepared to proceed.

A meeting was held on March 15, 2005, between the City and the NWS, to formally introduce its new Project Manager, Gonzalo Cortabarría of Hines Construction Company

and to obtain information relative to the permitting process and costs to be anticipated with the Project. NWS informed the City that it was still not prepared to make any formal announcements relative to its capital funding commitments and that the earliest it would be able to proceed with the amendment would be Summer, 2005. To this end, it is recommended to withdraw the proposed amendment until such time that NWS is prepared to proceed.

JMG/TDH/KOB

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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A Resolution approving the creation of a restricted residential parking zone for Belle Isle/Zone 14; and amend the hours of operation of residential parking zones One (South Pointe), Two (Flamingo Park), Three (Michigan Avenue), Four (Cultural District), Eleven (Lake Pancoast), and Twelve (Upper West Avenue) from "Monday to Friday, 6:00 P.M. to 7:00 A.M.", to "Sunday to Friday, 6:00 P.M. to 7:00 A.M.".

**Issue:**

Should the Mayor and Commission approve a restricted residential parking zone for the Belle Isle neighborhood; and amend the hours of operation of residential parking zones One (South Pointe), Two (Flamingo Park), Three (Michigan Avenue), Four (Cultural District), Eleven (Lake Pancoast), and Twelve (Upper West Avenue) from "Monday to Friday, 6:00 P.M. to 7:00 A.M.", to "Sunday to Friday, 6:00 P.M. to 7:00 A.M."?

**Item Summary/Recommendation:**

The Administration held a publicly noticed workshop on January 19, 2005, with affected residents to receive input and comments regarding the establishment of Restricted Residential Parking Zone 14 for the Belle Isle neighborhood. A majority (73.6%) of the ballots received from residents endorsed the creation of the program.

An amendment to the resolutions establishing Residential Parking Permit Zones One (South Pointe), Two (Flamingo Park), Three (Michigan Avenue), Four (Cultural District), Eleven (Lake Pancoast), and Twelve (Upper West Avenue) is needed to include the hours of 12:01 A.M. Midnight to 7:00 A.M. on Mondays. Clearly, the intent during the creation of the above mentioned residential parking zones was to include these hours; therefore, the Administration recommends by amending the hours of operation of said zones from "Monday to Friday, 6:00 P.M. to 7:00 A.M.", to "Sunday to Friday, 6:00 P.M. to 7:00 A.M."

The Administration recommends approving the resolution.

**Advisory Board Recommendation:**


The Transportation and Parking Committee endorsed the Administration's Recommendation to create Residential Parking Permit Zone 14/Belle Isle at their regularly scheduled meeting held on Monday, March 7, 2005.

**Financial Information:**

**Amount to be expended:**

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div> Finance Dept.	1			
	2			
	3			
	4			
	<b>Total</b>			

**Sign-Offs:**

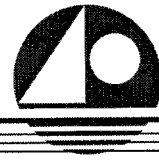
Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM R7E  
DATE 4-20-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.ci.miami-beach.fl.us



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**PUBLIC HEARING**

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING, CREATING RESTRICTED RESIDENTIAL PARKING PERMIT ZONE 14/BELLE ISLE WITH BOUNDARIES AS FOLLOWS: ON THE SOUTH, THE SOUTHERLYLINE OF ISLAND AVENUE; ON THE EAST, THE EASTERLYLINE OF ISLAND AVENUE; ON THE NORTH, THE NORTHERLYLINE OF ISLAND AVENUE; AND ON THE WEST, THE WESTERLY LINE OF ISLAND AVENUE; AND FURTHER AMENDING RESIDENTIAL PARKING ZONES ONE (SOUTH POINTE); TWO (FLAMINGO PARK); THREE (MICHIGAN AVENUE); FOUR (CULTURAL DISTRICT); ELEVEN (LAKE PANCOAST); AND TWELVE (UPPER WEST AVENUE), RESPECTIVELY, BY AMENDING THE HOURS OF OPERATION OF SAID ZONES FROM "MONDAY TO FRIDAY, 6:00 P.M. TO 7:00 A.M.", TO "SUNDAY TO FRIDAY, 6:00 P.M. TO 7:00 A.M."**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

The City of Miami Beach Parking Department received petitions from residents of the Belle Isle neighborhood (Venetian Way and Island Avenue) requesting the establishment of restricted residential parking zone for their respective neighborhood in the summer of 2004. The residential parking process was initiated, which included a sparsely attended workshop; a lack of support through the balloting process (53% not in favor and 47% in favor); and a recommendation from the Transportation and Parking Committee to initiate the residential parking program process six (6) months thereafter during the winter season when resident occupancy on Belle Isle would be at its optimum as resident participation during the summer season was dismal.

In January, 2005, at the request of Belle Isle residents via petition and the aforementioned recommendation of the City's Transportation and Parking Committee, the Parking Department initiated the restricted residential parking program process. The Belle Isle corridor is comprised predominantly of unregulated on-street parking spaces. Currently, the unregulated areas serve as parking for residents; however, the renovation of "The Standard" (formerly known as the Lido Spa) has prompted residents to initiate a proactive measure for restricted residential parking. The intrusion is expected to be generated from guests and visitors of "The Standard" as there is little or no off-street parking for this

property. "The Standard" has been a cooperative neighbor throughout the restricted residential parking program process and has developed a valet parking plan utilizing their private driveway for passenger loading and a valet parking operator to provide labor and vehicle storage. The aforementioned anticipated intrusion would potentially be generated by either guests or those visiting "The Standard" and parking in the existing unregulated spaces thereby displacing residents.

A publicly noticed workshop was held with residents of the affected areas at 7:00 P.M. on Wednesday, January 19, 2005, at 20 Island Avenue. A total of 107 residents attended the workshop. This was a very high turnout of residents as residential parking workshops have historically generated very low attendance. Notification efforts included direct mail to all residents within 375 feet of the affected areas. Participants had an opportunity to review, comment, and provide input. Subsequently, a ballot process was conducted as over 1,100 notices and ballots were sent to residents within 375 feet of the affected areas, specifically seeking either an endorsement or non-endorsement of the program and advising that the City's TPC (Transportation and Parking Committee) would review this issue on Monday, March 7, 2005. The TPC reviewed the Administration's recommendation to establish a program for the neighborhood and endorsed the recommendation. The ballot questions were as follows:

- ( ) Yes, I **do** endorse implementing the Belle Isle Restricted Residential Parking Program.  
( ) No, I **do not** endorse implementing the Belle Isle Restricted Residential Parking Program.

Of the 1,100 ballots mailed to Belle Isle residents, 375 were received with the following results:

Yes, I <b><u>do</u></b> endorse implementing the Belle Isle Restricted Residential Parking Program.	276	73.6%
No, I <b><u>do not</u></b> endorse implementing the Belle Isle Restricted Residential Parking Program.	99	26.4%
<b>Total:</b>	375	100%

Therefore, pursuant to Article II, entitled, "Metered Parking", of the Miami Beach City Code, Chapter 106-78, entitled, "Creation of residential parking area", the Mayor and City Commission must hold a public hearing to consider the establishment of a residential zone for the Belle Isle Neighborhood.

The following is a summary of the recommendations proposed for the Residential Parking Program for Zone 14/Belle Isle:

**Restricted Parking Boundaries:**

South:	Belle Isle/South Island Avenue
North:	Belle Isle/North Island Avenue
East:	Belle Isle/East Island Avenue
West:	Belle Isle/West Island Avenue



**Restricted Parking Hours:**

6:00 P.M. to 7:00 A.M. Sunday to Friday and 24 hours Saturdays, Sundays, and Holidays.

**Residential Parking Permit Zone Fees:**

Annual Permit Fee*:	\$50.00 (plus tax) per vehicle.
Annual Visitor Hang-Tag*:	\$50.00 (plus tax) One (1) hang-tag per resident.
Visitor "Scratch-Off" Hang-Tag:	24 Hour hang-tag: \$1.00 (plus sales tax) per hang-tag. Five (5) hang-tags may be purchased monthly up to six months in advance. Additional hang-tags are available for parties, social affairs, etc.

**Requirements:**

Bona fide residents of the zone would be mailed a registration/decal purchase package. Each resident that wishes to park vehicle(s) in the restricted parking areas outlined above must register to participate in the "Belle Isle" Residential Parking Permit Program. Copies of the following documents would be required to register and purchase a decal/hang-tag for the zone:

- Government Issued Photo Identification.
- Proof of residency such as current (within last 30 days) utility bill (electric, gas, phone, etc.).
- Valid vehicle registration\*\*
- Notes \*All annualized fees may be prorated semi-annually.

*\*\*Vehicle registration(s) with outstanding parking violations will not be allowed to participate in the residential parking program. All outstanding parking violations must be satisfied prior to participation.*

**Commercial Parking:**

A limited area for commercial parking is recommended in order to service the commercial parking demand in the area. This would include commercial loading, disabled parking, and a limited number of metered spaces. It is further recommended that these metered spaces be available to residential permit holders first-come/first-served during the days/hours of the residential parking restriction.

**Promulgation of Regulations:**

Signs would be posted in the areas promulgating the appropriate restriction. Typically two to three signs per block face would be installed. Vehicles parking within these posted areas must display a valid residential parking decal, visitor hang-tag, or "scratch-off" hang-tag.

**Enforcement:**

Progressive enforcement would commence on an agreed upon date for a period of thirty (30) days in the form of warnings. This would graduate to the issuance of parking citations

for a period of thirty (30) days, and subsequently, vehicle impoundment may be necessary to properly enforce the parking regulations/restrictions.

### **AMENDMENT TO RESIDENTIAL PARKING ZONES**

An amendment to the resolutions establishing Residential Parking Permit Zones One (South Pointe), Two (Flamingo Park), Three (Michigan Avenue), Four (Cultural District), Eleven (Lake Pancoast), and Twelve (Upper West Avenue) is needed to include the hours of 12:01 A.M. Midnight to 7:00 A.M. on Mondays. Clearly, the intent during the creation of the above mentioned residential parking zones was to include these hours; therefore, the Administration recommends that the language "Monday to Friday from 6:00 P.M. to 7:00 A.M." be amended to state "Sunday to Friday from 6:00 P.M. to 7:00 A.M." in order to include Mondays from 12:01 A.M. Midnight to 7:00 A.M.

### **CONCLUSION**

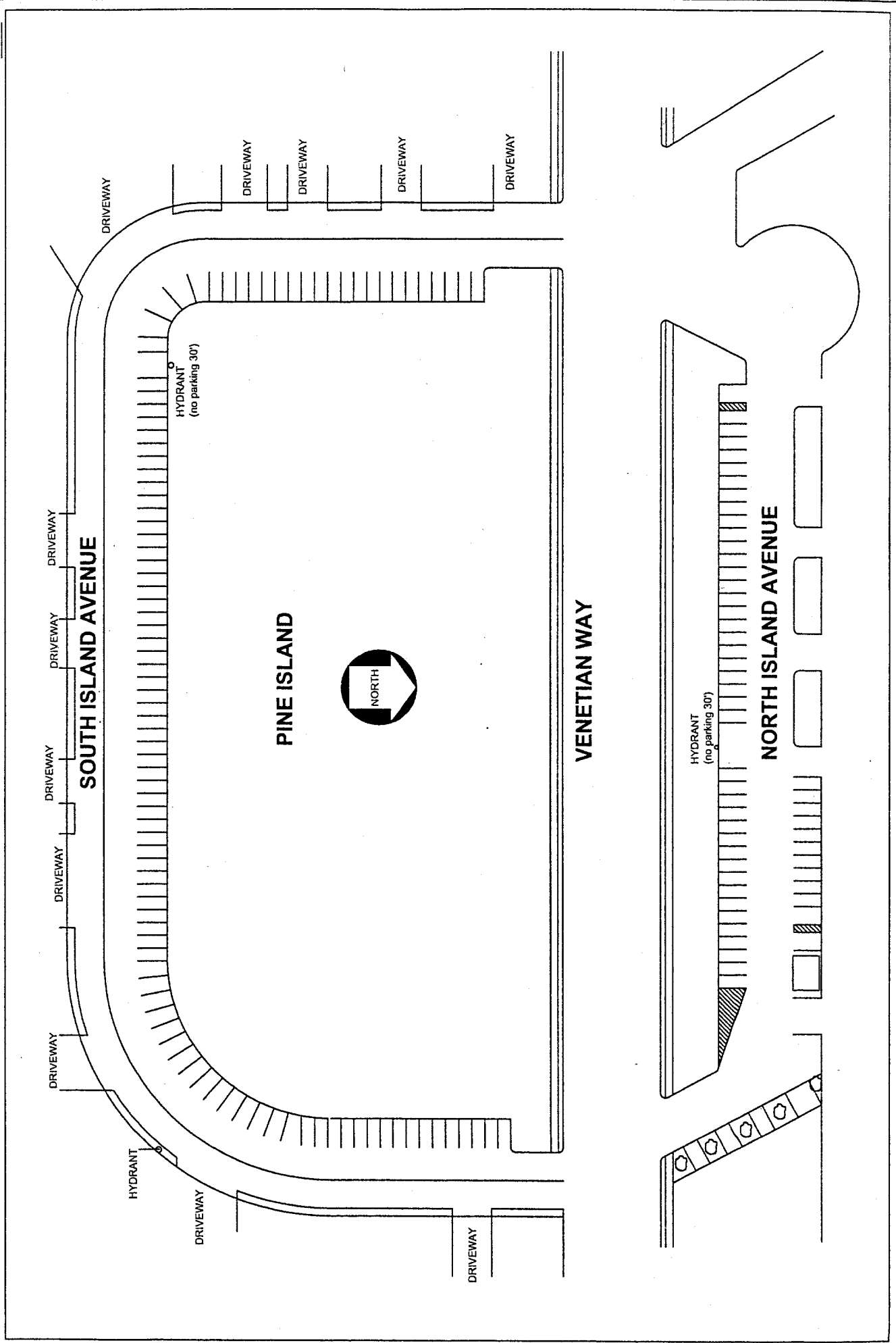
The Administration recommends that the Mayor and City Commission approve a resolution to create Restricted Residential Parking Permit Zone 14 for the Belle Isle neighborhood, as described herein; and amend residential parking zones One (South Pointe), Two (Flamingo Park), Three (Michigan Avenue), Four (Cultural District), Eleven (Lake Pancoast), and Twelve (Upper West Avenue) to include Mondays from 12:01 A.M. (Midnight) to 7:00 A.M.

JMG/TH/SF

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# RESTRICTED RESIDENTIAL PARKING PROGRAM FOR BELLE ISLE

TOTAL NUMBER  
OF SPACES: 143



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING, CREATING RESTRICTED RESIDENTIAL PARKING PERMIT ZONE 14/BELLE ISLE WITH BOUNDARIES AS FOLLOWS: ON THE SOUTH, THE SOUTHERLYLINE OF ISLAND AVENUE; ON THE EAST, THE EASTERLYLINE OF ISLAND AVENUE; ON THE NORTH, THE NORTHERLYLINE OF ISLAND AVENUE; AND ON THE WEST, THE WESTERLY LINE OF ISLAND AVENUE; AND FURTHER AMENDING RESIDENTIAL PARKING ZONES ONE (SOUTH POINTE); TWO (FLAMINGO PARK); THREE (MICHIGAN AVENUE); FOUR (CULTURAL DISTRICT); ELEVEN (LAKE PAN COAST); AND TWELVE (UPPER WEST AVENUE), RESPECTIVELY, BY AMENDING THE HOURS OF OPERATION OF SAID ZONES FROM "MONDAY TO FRIDAY, 6:00 P.M. TO 7:00 A.M.", TO "SUNDAY TO FRIDAY, 6:00 P.M. TO 7:00 A.M."**

**WHEREAS**, the City has received petitions from residents of the Belle Isle neighborhood requesting the establishment of a restricted residential parking permit zone for the Belle Isle neighborhood with boundaries as follows: on the south, the southerlyline of Island Avenue; on the north, the northerlyline of Island Avenue; on the east, the easterlyline of Island Avenue; and on the west, the westerlyline of Island Avenue; and,

**WHEREAS**, a publicly noticed workshop was held on January 19, 2005, with residents of the affected areas and said notices were distributed to residents within 375 feet of the affected areas; and

**WHEREAS**, participants had an opportunity to review, comment, and provide input toward the proposed residential parking permit zone for the area; and

**WHEREAS**, a balloting process was held via U.S. Mail whereby 1,100 ballots were issued and 375 responses were received with a majority (73.6%) of the residents endorsing the creation of the proposed residential parking permit zone; and

**WHEREAS**, the Administration also sent notices to all residents within 375 feet of the affected areas advising that the City's Transportation and Parking Committee (TPC) would review this issue on Monday, March 7, 2005; and

**WHEREAS**, the TPC has reviewed the Administration's recommendations regarding the proposed Belle Isle Residential Parking Permit Zone 14, and has unanimously endorsed the creation of said Zone; and

**WHEREAS**, pursuant to Article II, entitled, "Metered Parking", of the Miami Beach City Code, Section 106-78, entitled, "Creation of residential parking area", the Mayor and City Commission held a public hearing on Wednesday, April 20, 2005, to consider the creation of the proposed Belle Isle Restricted Residential Parking Permit Zone; and

**WHEREAS**, in addition to creation of the Belle Isle Restricted Residential Parking Permit Zone, the Administration would further recommend that the Mayor and City Commission amend the enabling resolutions establishing Residential Parking Permit Zones One (South Pointe); Two (Flamingo Park); Three (Michigan Avenue); Four (Cultural District); Eleven (Lake Pan Coast); and Twelve (Upper West Avenue); amending the hours of operation of said Zones from Monday to Friday, 6:00 P.M. to 7:00 A.M., to Sunday to Friday, 6:00 P.M. to 7:00 A.M., (to include the hours of 12:01 A.M. Midnight to 7:00 A.M. on Mondays).

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission, following a duly noticed public hearing, hereby approve the creation of Restricted Residential Parking Permit Zone 14/Belle Isle, with boundaries as follows: on the south, the southerlyline of Island Avenue; on the north, the northerlyline of Island Avenue; on the east, the easterlyline of Island Avenue; and on the west, by the westerlyline of Island Avenue; and correct a scrivener's error for Residential Parking Permit Zones One (South Pointe); Two (Flamingo Park); Three (Michigan Avenue); Four (Cultural District); Eleven (Lake Pan Coast); and Twelve (Upper West Avenue), respectively; amending the hours of operation of said Zones from "Monday to Friday, 6:00 P.M. to 7:00 A.M" to "Sunday to Friday, 6:00 P.M. to 7:00 A.M."

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.


\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

JMG/TH/SF  
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**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

 4-14-02  
City Attorney Date

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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

In accordance with the requirements of Sections 163.3220 - 163.3243, Florida Statutes, also referred to as the "Florida Local Government Development Agreement Act", it is recommended that the Mayor and City Commission approve at the first of two duly noticed Public Hearings, a Development Agreement between the City of Miami Beach and AR&J Sobe, LLC (a/k/a Potamkin/Berkowitz) for the Development of the Project, presently referred to as "5th and Alton", containing approximately 179,000 square feet of retail area, a supermarket and an approximate 1081 space parking garage and associated transit facility, including a transit dedicated component, an integrated parking garage, vertical transportation, ramps, ventilation, etc., and surrounding streetscape and public infrastructure to serve the project, bounded by Lenox Avenue on the East, Alton Road on the West, 6th Street on the North and 5th Street on the South, in Miami Beach and further setting the second and final public hearing for approval of the Development Agreement.

**Issue:**

Shall the Mayor and City Commission approve the Development Agreement, set the second and final public hearing, and direct the Administration to prepare a resolution granting the Art in Public Places waiver?

**Item Summary/Recommendation:**

Concurrent with the negotiations, the Potamkin/Berkowitz group has received approval to implement a signage overlay district to permit effective signage for the Supermarket and for the retail tenants within the Project and the project has also received DRB/HP approval. While support for the Project is generally widespread, comments have been made concerning the economic viability of the parking operation and ingress/egress challenges to the site. The parties will continue to seek further community outreach with area businesses/residents as part of the FTA Environmental Assessment process. A Resolution to vacate the alley located on the site was approved by the City Commission on February 23, 2005.

Related to the Development Agreement, is the required contribution from the Project to Art in Public Places (AiPP). The present AiPP Ordinance requires all City projects to make a financial contribution to support ongoing and future operations and acquisitions of the City's AiPP program. The most common application for the Ordinance has been to City projects that are City-owned and constructed, however, the Ordinance also pertains to Capital Construction Projects where the City is a partner, therefore this project falls under the Ordinance. A decision will need to be made as to whether or not to waive the Project's AiPP contribution. The Developer has continually maintained that he will not entertain funding any portion of the AiPP fee, if a waiver is not granted. Instead, Developer has committed to install a major piece of art at the entrance of the project, and Mr. and Mrs. Alan Potamkin have represented that they have promised gifts to the Bass Museum.

Other salient points further addressed in the memo, listed here, include the following: the Developer has the right to terminate the Agreement, City staff analysis indicate the Garage will likely require operational subsidies from the Parking Enterprise in the first few years, the Project may have difficulty in securing full funding from the FTA, Developer has the right to lease up to 150 "City" spaces for its operational requirements, City is purchasing 535 parking spaces, of which, 438 are considered excess parking.

The Administration recommends that the Mayor and City Commission approve the Development Agreement on first reading, set the second and final public hearing, and direct the Administration to prepare a resolution granting the requested Art in Public Places waiver.

**Advisory Board Recommendation:**

**Finance & Citywide Projects Committee:** December 22, 2003; September 14, 2004 - engage the City's own consultant to review and analyze the newly submitted construction costs estimates; October 26, 2004 - due to rising construction costs, modify the City's capital cost contribution accordingly, due to the Developer's guarantee to assume any construction cost overruns; February 14, 2005 - recommendation to proceed in finalizing the Development Agreement.

**Transportation and Parking Committee** - February 2, 2004, March 1, 2004, September 27, 2004

**Design Review Board & Historic Preservation Board** - August 17, 2004 - Project Approved

**AiPP** - January 18, 2005 - motion to grant the requested waiver; February 15, 2005 - motion granting the waiver was reconsidered and the Committee recommended that the requested waiver not be granted.

**Financial Information:**

Source of Funds:	Amount	Account	Approved
	1		
	2		
Finance Dept.	Total		

**City Clerk's Office Legislative Tracking:**

Tim Hemstreet

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM

R7F

DATE

4-20-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 163.3220 - 163.3243, FLORIDA STATUTES, ALSO REFERRED TO AS THE "FLORIDA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT", APPROVING, ON FIRST READING, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND AR&J SOBE, LLC (a/k/a POTAMKIN/BERKOWITZ) FOR THE DEVELOPMENT OF THE PROJECT, PRESENTLY REFERRED TO AS "5TH AND ALTON", CONTAINING APPROXIMATELY 179,000 SQUARE FEET OF RETAIL AREA; A SUPERMARKET; AN APPROXIMATELY 1081 SPACE PARKING GARAGE; PARK-AND-RIDE TRANSIT FACILITY, INCLUDING AN INTERMODAL/TRANSPORTATION COMPONENT; AND SURROUNDING STREETScape AND PUBLIC INFRASTRUCTURE TO SERVE THE PROJECT, BOUNDED BY LENOX AVENUE ON THE EAST, ALTON ROAD ON THE WEST, 6th STREET ON THE NORTH AND 5th STREET ON THE SOUTH, IN MIAMI BEACH; FURTHER SETTING THE SECOND PUBLIC HEARING FOR THE SECOND AND FINAL READING OF THE DEVELOPMENT AGREEMENT; FURTHER DIRECTING THE ADMINISTRATION TO PREPARE A RESOLUTION GRANTING A WAIVER OF DEVELOPER'S REQUIRED ART IN PUBLIC PLACES CONTRIBUTION FOR THE PROJECT, WITH SUCH WAIVER TO BE CONSIDERED BY THE CITY COMMISSION ON SECOND AND FINAL READING OF THE DEVELOPMENT AGREEMENT.

### ADMINISTRATION RECOMMENDATION

Approve on First Reading, set the date, time and place for a Public Hearing and consideration of the Second and Final Reading, and direct the Administration to prepare a resolution granting the requested Art in Public Places waiver.

### ANALYSIS

On June 7, 2000, the Mayor and City Commission adopted Resolution No. 2000-23963 designating the area bounded by 6<sup>th</sup> Street to the North, 5<sup>th</sup> Street to the South, Alton Road to the West and Lenox Avenue to the East (also known as the "Potamkin Site"), as a Brownfield area to promote the environmental restoration and economic redevelopment of the area.



Since July 2002, the Administration has been meeting with representatives of the site generally located on 5<sup>th</sup> Street and Alton Road, owned by the Potamkin family, to address a joint development opportunity and to review a preliminary site plan for a five (5) level mixed-use retail complex, including over 900 parking spaces and a supermarket. In accordance with the City Commission's directive and the community's identified needs, the City's interest in the project development was primarily focused on achieving the public benefit of locating a supermarket, exploring transit and excess parking opportunities, and developing a gateway project at one of the City's main arterial entryways.

Over the past two (2) years, the proposed project has been reviewed on several occasions by various City Committees including Finance and Citywide Projects Committee, Transportation and Parking Committee, Design Review Board and Historic Preservation Board. With the recommendations from these meetings, the parties have reached agreement on the substantive terms and conditions that would govern the City's joint participation, including the identification of Federal Transit Administration (FTA) funding, as a potential contributing source, for the City's capital contribution to the project.

While support for the Project is generally widespread, at both the Transportation and Parking and Finance and Citywide Projects Committee, the public raised some concerns on the economic viability of the parking operation and ingress/egress challenges to the site. The parties will continue to seek further community outreach with area businesses/residents as part of the FTA Environmental Assessment process. It should be noted, however, that a Pro Forma done by the City's Parking Department (discussed below) does indicate that the garage will likely require operating subsidies in its first few years.

Concurrent with the negotiations, the Potamkin/Berkowitz group has received approval to implement a signage overlay district to permit effective signage for the Supermarket and for the retail tenants within the Project and the project has also received DRB/HP approval.

As reported in May 2004 to the City Commission, the City and Developer have continued to address other issues including: Floor Area Ratio (FAR), Alley Vacation, Termination Rights, Park and Ride Transit Facility components, Art in Public Places, Planning Board – Conditional Use, FTA funding eligibility and rising construction costs.

Due to the extended negotiations regarding the terms of the Development Agreement, the Alley vacation (Resolution No. 2005-25827) was considered and approved by the City Commission on February 23, 2005 independent of the Development Agreement (Attachment "A"). The City will retain an option to obligate Developer to include the Transit Facility Dedication area and finishes, at City expense. The Alley vacation contains the following reverter conditions:

- i. In the event Developer does not enter into a supermarket lease (as defined in the proposed Development Agreement) on or before eighteen (18) months after the Effective Date of the Agreement or Construction Commencement, whichever comes first;
- ii. In the event Developer does not commence construction of the Project on or before September 1, 2006;

- iii. In the event the Project is substantially modified from the Project approved by the Historic Preservation Board and Design Review Board, as referenced in the respective Board Orders issued in August 2004; and

As part of the ongoing negotiations, many areas of uncertainty continued to arise affecting the success of the negotiations; namely, (1) the FTA requirements and pending approval by FTA and (2) the rising cost of construction, and its impact on the City's contribution to the project. These issues were discussed by the Finance and Citywide Projects Committee on October 26, 2004 and resolved as set forth below:

### **Major Issues:**

#### **Federal Transit Administration (FTA)**

On April 5, 2004, the Developer and its project team, and the Administration met with the Federal Transit Administration (FTA) in Atlanta to review FTA funding requirements. The FTA expressed favorable comments in its initial review of the project and indicated the City would need to place emphasis on the transit elements of the project, focusing on their location, cost and use, and transit user profiles to determine the project's eligibility for FTA funding. Additionally, the parties would need to explore to what degree the Federal funding restrictions apply to the privately funded, non-transit portion of the project.

Furthermore, the FTA funding has an extensive community and stakeholder participation process, culminating in the mandatory submittal of an Environmental Assessment (EA) Report identifying potential social, economic or environmental impacts that may arise as a result of the project, and measures to mitigate these potential impacts. It is anticipated that this process will span a 3-4 month period.

To address the FTA issues, it was deemed to be in the parties' mutual best interest to commence and conduct the required FTA Environmental Assessment (EA). On May 24, 2004 the Mayor and City Commission passed Resolution No. 2004-25574 to establish an RFQ for the professional architectural and engineering services related to the preparation of the Environmental Assessment report, as required by the Federal Transit Administration.

RFQ 38-03/04 was issued on July 30, 2004. Only one response was received and the Evaluation Committee met on October 26, 2004 and recommended rejecting all bids and re-advertising a new RFQ. The new RFQ received three proposals. On January 26, 2005 the Evaluation Committee reviewed the new responses and ranked the firm of HDR Engineering first, URS Corporation second and Geotech Environmental third. An item to authorize negotiations to the top-ranked firm accompanies this reading of the Development Agreement.

FTA eligibility will be determined as a joint development project and must reflect the project as a transit oriented development. As part of the City improvements, in addition to the City's park and ride spaces, certain transit elements will be incorporated, owned and paid for by the City, including items such as transit station pedestrian connections and access links between transit services and the project (i.e. expanded right of way area fronting

Alton, 6<sup>th</sup> Street and 5<sup>th</sup> Street), safety and security equipment, vertical access links (i.e. elevators and ramps), transit information center, signage, etc.

While the City has incorporated the aforementioned transit elements, FTA will review the Agreement and assess the City's control and availability of the transit facility to render an eligibility decision. The Development Agreement, on file in the City Clerk's Office, reflects the Developer's required restrictions on the use of garage to assure sufficient parking for the retail area. As such, FTA will scrutinize the ultimate control and availability of parking for transit users to determine eligibility for federal funding. With the additional language incorporated by the Developer, FTA funding eligibility may be limited.

Since the outcome of the FTA funding eligibility will not be confirmed until sometime in the future, the Developer faced timing constraints to determine whether or not to proceed with the City, or independently, in the proposed joint venture. The Finance and Citywide Projects Committee recommended that the City should commit to proceed with the project irrespective of FTA funding eligibility. **In other words, if FTA deems the project is not wholly or in part eligible, the City will be committing non FTA funding, preferably South Pointe RDA funds, in order to guarantee the City's participation in the project from the onset.**

We have attempted to incorporate language expressing the intent of the parties to provide public transit parking, to mitigate any such FTA scrutiny. However, by the mere inclusion of any use restrictions, as required by Developer, full FTA funding eligibility for this project can no longer be assured. **Therefore, the Agreement reflects, the City's commitment to proceed with the project, regardless of award of FTA funding for the City's capital participation.**

### CONSTRUCTION COST ESTIMATES

As to the rising cost of construction, on August 25, 2004 and September 14, 2004, the Developer submitted a take-off analysis of the estimated construction cost of the parking component of the proposed project, which was prepared by the Developer's consultant Moss and Associates. The Developer also conducted an area analysis and calculated a percentage cost per square foot, which yielded a higher value for the garage. The Developer's analysis reflected a revised construction cost estimate of \$20,741/per space (based on percentage allocation) and \$18,025/per space based on the Moss Take-off analysis.

The City had previously negotiated a \$14,500/per space cost contribution to the project, which represented a \$7,250,000 capital contribution based on 500 spaces. The new cost estimates submitted by the Developer represent an over 24-43% increase in the City anticipated contribution to the project.

As a result, these findings were reported informally to the Finance and Citywide Projects Committee on September 15, 2004 and the Committee concurred with the Administration's recommendation to engage the City's own consultant to review and analyze the newly submitted construction costs estimates.

The City engaged URS Corporation to review and perform an independent analysis of the Moss and Associates Take-off analysis and of the construction costs submitted. As a result, URS submitted revised construction cost estimates and reallocations, as deemed necessary, and URS determined the per-space cost, without any alteration to the proposed project design, would be approximately \$16,262/per space.

On October 15, 2004, the City and the Developer met to review the revised construction cost estimates and URS' findings. At this meeting, the parties agreed that based on URS' revised estimate of \$16,262/per space and the increased number of spaces in the project (i.e. 1070 total spaces at the time of proposal; City allocation is 50%, or 535 spaces), the City's capital contribution to the project would be as follows:

535 spaces @ \$16,262/per space	\$8,700,170
Additional Transit Components (elevator pit and shaft to Alton Road and Bus Stop)	395,327
Lost Value (due to City requested set back on Alton representing loss of 1,000sf)	<u>333,333</u>
<b>TOTAL</b>	<b>\$9,428,830</b>
 Developer Request	 \$9,500,000

The Finance and Citywide Projects Committee discussed the reality of rising construction costs and felt it was appropriate to modify the City's capital cost contribution accordingly, due to the Developer's guarantee to assume any construction cost overruns. The rise in costs is mitigated by the Developer's guarantee to assume the construction risk associated with any future cost increases or construction change orders not dictated by the City and/or any FTA requirement.

Based on the revised construction cost estimates and Developer guarantee, the Finance and Citywide Projects Committee agreed to commit to the revised City capital contribution to the project of \$9,500,000 as cited above, which in turn results in a per-space cost of \$16,395.

#### Funding for Park and Ride Transit Facility:

As described above, the City has negotiated to contribute \$16,395.03/space within the garage (i.e. also referred to as Transit Facility). It is anticipated that the Transit Facility will contain approximately 1081 spaces within which the City will own 535 spaces to serve the public transit uses and supermarket, and Developer will own 546 spaces serve the retail and supermarket uses. Additionally, the City will fund an additional amount and own the transit elements referenced above.

Funding for the City's Transit Facility Contribution will be provided by available FTA funding, to the extent eligible (\$6,475,000 available and an additional \$1.38 million awarded in 2005) and/or South Pointe RDA funds. FTA funding requires a minimum 20% match by the City, for the FTA approved components, if any.

### Floor Area Ratio (FAR) and Required Parking

As reported on March 17, 2004, a prior review of the Developer's architectural schematics indicated that a portion of the excess public parking might result in the project exceeding the permissible FAR of 2.0. Further plan revisions have resulted in a zoning compliant project and an increase in the number of City spaces. A provision in the Development Agreement has been negotiated giving the City a fixed number of spaces (535 spaces as described below) to purchase within the project, subject to finalizing the ultimate project uses. A potential issue that may arise that is, as of yet not contemplated in the Agreement is how to address the required parking in the event that a restaurant (or other more intensive use) locates in the Project. Should the situation arise, it will need to be addressed by either allowing the Developer to purchase, or otherwise mitigate Parking requirements under the code, or the use will not be permitted. **The Agreement also provides for the Developer to retain a priority right to purchase up to 150 additional spaces on a monthly basis to meet operational parking deficiencies from the City's Excess Parking inventory. Again, this clause may reduce or limit FTA funding eligibility.**

Ownership	Retail Required Parking	Supermarket Required Parking	Excess Parking	Total
Developer	468	78	0	546
City	0	97	438	535
Total	468	175	438	1081

### Park and Ride Transit Facility Operations and Management:

The Park and Ride Transit Facility will be operated and maintained through the joint efforts of the City and the Developer. The City will provide the operating personnel for the Transit Facility through its contract for attendants and cashiers. The Developer will provide for the acquisition and coordination of all maintenance and other operating and maintenance services.

It is expected that revenues will be generated through the use of the Transit Facility by the public, both hourly and on a permit basis, as well as from customers of the retail spaces. Additionally, the Developer will make an annual contribution to revenue of approximately \$290,000 to offset the retail validation program (# of spaces x 12 months x \$55 per month). This amount will escalate at an annual rate of 2.5% beginning after the third year of operation. It is anticipated that additional revenues may be earned through the use of the facility, by the public, decal parkers, valet operators in the evening after retail operating hours or parking for special events, which result in excess of 1000 new available spaces during peak nighttime hours. A Pro Forma prepared by the Parking Department is included as Attachment "B" to this memorandum.

The Pro Forma prepared by the Parking Department indicates that the Garage operation is projected to require operating subsidies in its first few years. The Pro Forma is based on a reasonable analysis of the information available to us presently and assumes a similar rate structure and usage pattern to other system facilities. As has been discussed with the

Developer, there may be alternate rate structures and operating methods that may produce a different result as more experience is gained with this specific facility and operating relationship with the Developer. While early pro forma analysis may predict revenue shortfalls, the long-term parking demand in the South Beach and South of Fifth areas is expected.

It is both parties' intent to make maximum and efficient use of the structure. As this facility has very complicated operational characteristics and it has a unique location to best serve as a park and ride facility at the entrance to the City, we will need to monitor the operations and revenue and expenses closely, and routinely make the appropriate modifications to the operations and rate structure.

The annual operating expenses of the garage (381,886s.f.) will be shared by the Developer and the City. The portion of expenses for the operation and maintenance of the retail common areas (29,611 s.f.) will be paid solely by the Developer. Net revenues will be shared on a pro-rata basis based on the ownership of spaces (City 49.5%/Developer 50.5%). Should the Transit Facility operating expenses exceed the total revenues earned from all parking spaces, including the annual contribution towards revenue from the Developer, the resulting loss will also be shared on a pro-rata basis based on the ownership of spaces.

#### Art in Public Places

Related to the Development Agreement, is the required contribution from the Project to Art in Public Places (AiPP). The present AiPP Ordinance requires all City projects to make a financial contribution to support ongoing and future operations and acquisitions of the City's AiPP program. The most common application for the Ordinance has been to City projects that are City-owned and constructed, however, the Ordinance also pertains to Capital Construction Projects where the City is a partner, therefore this project falls under the Ordinance. This project is the first instance where a public/private joint development will come under the AiPP Ordinance, which was revised in 2001 to include such agreements. At the time of the revision, it was contemplated that those projects where the City was the landowner, such as Lincoln Place and The Lincoln, would be affected. In this instance, however, the City is not, and will not be the landowner. The City is essentially acquiring an interest in certain elements of the project through a condominium instrument.

The Developer has requested a waiver of the AiPP obligation pursuant to the provisions of the Ordinance. A decision will need to be made as to whether or not to waive the Project's AiPP contribution. The Developer has continually maintained that he will not entertain funding any portion of the AiPP fee, if a waiver is not granted. In consideration of this request for waiver, the Developer is committing to install a major piece of art at the entrance of the project (as depicted in the Project Concept Plan) by local artist Romero Britto, which the Developer has valued at \$500,000. Furthermore, Mr. and Mrs. Alan Potamkin have represented that they have promised gifts to the Bass Museum with a declared value of \$600,000, and Developer has requested these donated works be considered as part of the waiver request. The estimated AiPP contribution would have been approximately \$490,000, based on an estimated \$32,000,000 project cost. If the

Project were developed without public participation, no Art in Public Places contribution would be required.

As referenced in the Development Agreement and above, the City has advised that the proposed project constitutes a public joint development, and that the AiPP 1 ½% will apply to the Project construction cost. If the AiPP is not waived, according to the Developer, it will render this transaction economically infeasible and he has stated that he will not contribute to the fee. **Should the City wish to waive this fee, the Administration recommends that the Commission direct the Administration to draft a Resolution granting the requested waiver. This resolution waiving the AiPP contribution can then be submitted for approval concurrent with the second reading of the Development Agreement for the Commission's consideration.**

On January 18, 2005, the Developer made a presentation to the AiPP Committee, which adopted a motion approving the waiver conditioned upon the Developer working with the AiPP Committee to select the appropriate artist and location of artwork. On February 4, 2005, the Cultural Arts Council approved a motion requesting that the AiPP Committee reconsider their recommendation to waive the 1.5% AiPP requirement for this project, and further that CAC representatives attend the AiPP Committee's reconsideration. The motion further stated that the Cultural Arts Council opposed waiving the AiPP requirement. This issue was discussed at the February 14, 2005 Finance and Citywide Projects Committee meeting; however, following the Finance and Citywide Projects Committee meeting, the AiPP Committee reconsidered this item on February 15, 2005, pursuant to the request of the Cultural Arts Council, and voted to recommend denial of the waiver and further moved to ask the City Commission to direct the Developer to work with the AiPP Board to select the appropriate artist and location of artwork. The Committee was concerned that the purpose of the revisions to the Ordinance was to build the AiPP fund, and that this request would set a precedent for future requests that would be contrary to the original intent of the revisions. **The Developer expressed his intent, as reflected in the attached agreement, to proceed with the Britto artwork and waiver request despite AiPP's motions.**

### **Development Agreement and Declaration of Condominium**

The attached Development Agreement sets forth the parameters and terms and conditions pursuant to which the Developer will proceed with construction of the Project and the City will provide capital contributions. The Declaration of Condominium reflects the terms under which the parties will operate upon completion of the project.

The salient terms of the Development Agreement and the Declaration of Condominium (the "Declaration") negotiated between the parties are summarized below. Specific issues concerning this transaction are elaborated on below, due to the complex nature of the relevant agreements, and to highlight areas of importance to the City Commission.

The important milestones and aspects in the Development Agreement include:

- Developer AR&J SOBE, LLC  
(Limited Liability Company comprised of Jeff Berkowitz, Alan Potamkin and Robert Potamkin)
- City Unit City Spaces (including City Supermarket Spaces and City Non-Supermarket Spaces, City Elevator, City Common Area and City Transit Dedication Area).
- Developer Unit Developer spaces (including Developer Retail Spaces and Developer Supermarket Spaces), Retail Area and Developer common areas.
- Project Concept Plan The project as currently approved by DRB/HPB contains approximately, 179,000 square feet of retail area; a supermarket; an approximately 1081 space parking garage; park-and-ride transit facility, including an intermodal/ transportation component; and surrounding streetscape and public infrastructure to serve the project, bounded by Lenox Avenue on the east, Alton Road on the west, 6th Street on the north and 5th Street on the south, in Miami Beach.
- Effective Date Date Development Agreement is approved and signed.
- Outside Date Earlier of 18 months from Effective Date or Commencement of Construction.
- Building Permit Application 32 weeks from approval of Development Agreement/Effective Date.
- Construction Commencement No later than 60 days from issuance of building permit or 18 months from Effective Date.
- Construction Completion Earlier of 24 months following Construction Commencement date or September 1, 2007, subject to unavoidable delays.
- Termination Rights  
(Prior to Construction Commencement)  
No later than 18 months from Effective Date, Developer can terminate Agreement if for various reasons project, as designed, is not viable.  
  
City can terminate if Developer has not obtained building permit or commenced construction before September 1, 2006. However, once Developer has provided Construction Application Notice (i.e. Developer's notice of procuring loan), City will have 45 days thereafter to exercise such termination.



- **AiPP**

Developer is requesting a waiver of applicability of City's AiPP Ordinance, as specified in the City Code 82-536 through 82-612. In consideration, the Developer is proposing to provide an entryway art work by Romero Britto valued by the Developer at \$500,000 and additional representation by Mr. and Mrs. Alan Potamkin that they have promised gifts with a declared value of \$600,000 to the Bass Museum of Art. In accordance with the City's AiPP Ordinance, the Developer presented their request for waiver to the AiPP Board on January 18, 2005. The AiPP Board recommended approval of the waiver conditioned upon the Developer working with the Board to identify an appropriate piece of artwork for this specific site. On February 15, 2005, the AiPP Board reconsidered the item and voted to recommend denial of the waiver. The Developer has stated his intent is to proceed with the Britto artwork despite AiPP's motion. (Section 5.1)
- **FTA Requirements**

An ongoing issue between the City and Developer has been compliance with and determination of eligibility by FTA. On October 26, 2004, one of the key provisions addressed by the Finance and Citywide Projects Committee was whether the City will proceed with the project irrespective of FTA funding eligibility. Therefore, the Agreement provides that City and Developer will cooperate to apply and comply with FTA requirements. **However, the City's obligation to proceed with this Agreement is no longer contingent upon approval by FTA. Therefore, City shall be obligated to commit alternate funds to project (tentatively contemplated to be South Pointe RDA funds).**
- **Construction Staging**

Staging for the project will be confined to project site and construction workers will park off-site to minimize adverse impacts on neighboring residential areas.
- **Alley Vacation**

Alley Vacation was approved by the City Commission on February 23, 2005, subject to a reverter in the earlier event that construction does not commence and/or if a supermarket Lease is not secured and a restrictive covenant memorializing same will be recorded by Developer. If City terminates Development Agreement or decides not to proceed with project, but Developer proceeds with substantially the same project, Alley Vacation will still be effective in exchange for Public Benefits.
- **City's Obligation to Fund**

During construction, even if Developer defaults, City is committed to fund project so long as the lender is funding. In the event of foreclosure, lender is obligated to repay City full capital contribution and a return of 4%.

- Condominium  
City/Developer will share in costs of establishing project as a condominium in order to ensure City units may be tax exempt. City and Developer agree to share in costs of establishing condo (estimated at total of \$30K) and documentary stamp costs to be incurred at time of conveyance of City units (estimated at total of \$90K).
- Public Benefits  
As specified in the Alley Vacation Agreement, Developer agrees to include a grocery store with not less than 40,000 sf with a minimum term of 10 years, which will obligate tenant to initially open for business. If grocery ceases to operate, Developer shall use diligent and good faith efforts to pursue a new lease with a new grocery store and if Developer is unsuccessful, City shall at its option be entitled to locate another grocery tenant subject to same terms and conditions. This provision shall terminate upon expiration of grocery lease but not earlier than 10 years.
- Developer Default during Construction  
If Developer defaults during construction, City's remedies are: 1) enforce specific performance by Developer, 2) recover damages equal to City's Capital Contribution together with interest.
- City's Transit Facility Contribution  
City shall fund a fixed cost of \$16,395.03 per parking spaces for 535 parking spaces ("City Spaces") plus an additional amount of \$395,327 for the City Elevator and "Transit Facility Dedication Area Finishes" (**a not to exceed 20% contingency is factored into the Agreement Definition**) plus \$333,333 for the "Transit Facility Dedication Area", for a total City contribution of \$9,500,000. The Developer has assumed all construction risk and is responsible for any cost overruns in connection with the project.  
  
**Important to note, the City will fund construction draws concurrent with Developer's Lender Disbursements. The City will have a guarantee from Developer and Owner to complete construction, however City will not have a lien or security interest in Project until substantial completion is achieved, at which time Developer will convey City spaces, City Elevator and Transit Facility Dedication Area to City.**
- Construction Guarantee  
Alan Potamkin, Robert Potamkin and Jeffrey Berkowitz jointly and severally, will guarantee Developer's performance as provided for in the Development Agreement.
- Hazardous Materials  
City assumes no liability or obligation pursuant to the Brownfield Site Rehabilitation Agreement. Additionally,

City assumes no liability for any environmental contamination associated with the construction of the Project. Liability will only be applied prospectively based on respective parties responsibility.

The important milestones and aspects in the Declaration of Condominium include:

- Condominium Declaration

The Declaration sets forth the intention and understanding of the parties relative to the future operation of the Garage ("the Transit Facility").

City and Developer agree Garage will be available for public parking purposes, subject to Developer's rights to reserve and/or limit access to Developer Spaces.
- Operation, Maintenance, Repair & Replacement
  - City will operate Garage and Developer will maintain Garage in first class condition.
  - City shall initially purchase and install all parking equipment (estimated cost \$646,466 not including security cameras, monitors and recorders) and Developer will reimburse City half of the initial cost, amortized over 10 years utilizing the 10 year T-bill rate, on annual basis over 10 year period.
  - Parking in Garage will be a) validated parking (limited to 2 hours), b) decal/access card parking for retail space employees, c) decal access card parking for transit users and other third parties, d) special event permit parking, and e) timed ticket parking.
  - Parking rates will be established by mutual agreement, on a sliding scale, to discourage long term parking.
- Full Occupancy

120 days after the earlier of a) one year after substantial completion or b) 90% of the Retail Space is initially occupied.
- Public Passes

Upon Full Occupancy, parties will meet quarterly to determine extent of decal/access cards to be provided based on parking operation experience within Garage.
- Parking Garage Spaces

The Parking Garage will contain approximately 1081 spaces broken down as follows:

Developer	546 spaces
City	<u>535 spaces</u>
	1,081 spaces

Developer	468 required spaces for retail <u>78</u> required Supermarket spaces 546 Developer spaces
City	438 excess spaces <u>97</u> required supermarket spaces 535 City spaces

- Required Parking Spaces

As described above, 643 spaces (Developer spaces and City supermarket spaces) are code required parking for the project, as currently contemplated.

The Declaration provides the Developer with a priority right to purchase 150 additional Public Passes (i.e. excess spaces) to satisfy operational needs, at a cost of \$55/month, subject to a 2.5% annual adjustment commencing following the third anniversary of Full Occupancy.

- Validated Parking

Customers, employees and occupants of retail space shall be entitled to park in Garage free of charge. Customers will be limited to a two (2) hour validation period.

The Developer will contribute approximately \$290,000/annually (approximately \$55/space per month for retail required spaces), subject to a 2.5% annual adjustment commencing following the third anniversary of Full Occupancy in consideration for such use and validation.

- Garage Management & Operation

City and its subcontractors will manage and operate garage and City cannot delegate this responsibility to another third party unless said third party operates more than ½ of the City garages.

- Termination Rights  
(After Construction Completion)

The Agreement also provides the Developer with a Right of Termination Post Construction. This Right is contained in Section 4(c)(viii) of the Exhibit E, Material Provision of Declaration (Page 84 of the attached Development Agreement). During the first 18 months after Full Occupancy, the Developer has the right to terminate the Agreement at his sole discretion and for any reason that the Developer determines is reasonable. Following 18 months, the Developer retains the Right to Terminate the Agreement at his sole discretion, but must follow a specific series of steps aimed at resolving any issues causing the Developer to want to terminate the Agreement. In the end, however, the Developer retains the sole right to determine that the relationship is not

working and to terminate the Agreement.

In the event of termination under this Section, the City will receive its contribution plus four percent (4%) annual simple interest or the FMV of its portion of the project as determined in the Agreement. A schedule showing this payment is attached as Attachment A to the memo.

- Parking Deficiency

Retail customers are unable to find available parking spaces and the parties are unable to resolve the operational conflict.

- Fair Market Value (FMV)

The parties have agreed to a formula and process that determines the Project's FMV. Essentially, the City's contribution to the Project comes to fifty-six percent (56%) of the cost of the Garage portion of the Project, including land. In the event the Agreement is Terminated, the FMV of the City's portion, or excess parking spaces, will be determined by a specified appraisal procedure. This "Market" value, as established by the appraisals, will then be multiplied by 56% to determine the FMV due to the City. The FMV formula is referred to in the "Termination Rights", "Right of First Refusal", and "Condemnation" Sections.

- Revenues/Expenses of Garage

An allocation of operating expenses based on the parties' proportionate ownership of Garage and the expense allocation formula for garage vs. retail has been agreed to by the parties.

Developer shall establish and submit an annual operating budget 60 days prior to end of each calendar year, subject to City's approval.

- Taxes

Developer shall pay all taxes on Developer Unit and City will pay all taxes on City Unit. Developer will cooperate with City to obtain exemption from real estate taxes. If the City Unit or any portion thereof is taxed, the City will be responsible for said payment. **It is anticipated that the City supermarket spaces will be taxed, at the City's expense.**

**Developer has agreed that if the supermarket would cease to exist, Developer will pay taxes associated with the required spaces for any alternate proposed use in the supermarket retail area, unless the exemption for the City's non-supermarket spaces is eliminated.**

- City Supermarket Spaces  
(if supermarket ceases to exist)

City Supermarket Spaces will have a 10 year useful life. If Supermarket ceases to exist prior to 10 years, and a

substitute supermarket cannot be located, then for balance of the remaining 10 years, the Landlord/Tenant will be required to (1) pay the monthly \$55/fee, as adjusted by CPI, for the number of the parking spaces required by Zoning, or (2) buy back spaces at City's cost plus a return equal to the City's actual earnings over the period of time remaining in the 10 years. (e.g. If the supermarket ceases in the 6th year and can not be replaced, and option #2 is exercised, the Developer would utilize the CMB's average yield for the 1st 6 years (say 6%) and apply it to the last 4 years of the useful life. Example-CMB Cost plus (6% times 4). After the 10 year useful life has expired, if the supermarket use ceases and is not replaced, there are no further obligations on Developer's part to replace/or to pay for the replacement user's code required parking.

- Insurance Developer will procure insurance and City will share cost of insurance to the facility.
- Condemnation City shall not be entitled to share in any portion of Condemnation Award, except to the extent of the Fair Market Value (FMV) calculation, as defined above, but not less than the City's Capital Investment. The City does have the right to be present during condemnation proceedings and the right to discuss such with the Developer.
- Developer's Right of First Refusal City shall offer Developer Right of First Refusal at the greater of 1) City's Transit Facility Contribution plus 4% return or 2) FMV, as defined above.  
  
The Right of First Refusal shall not apply to any conveyance by the City to a successor governmental authority.
- City's Right of First Offer In the event Developer sells property, City shall have **10 business days** to elect in writing whether to pursue transaction, and an additional 30 days to negotiate terms.

#### Termination Rights

Due to the complex nature of this transaction, the Agreement includes an initial termination date, in which either party may terminate the Development Agreement. This specific Termination Rights are addressed in Articles 2.11 and 2.12 of the Agreement and pertain generally to "pre-construction" issues that arise between the execution of the Development Agreement and the Commencement of Construction. Qualifying events generally relate to economic viability of the project for the Developer, and issues regarding Public Purpose for the City.

The Agreement also provides the Developer with a Right of Termination Post Construction. This Right is contained in Section 4(c)(viii) of the Exhibit E, Material Provision of Declaration (page 84 of the Development Agreement). During the first 18 months after Full Occupancy, the Developer has the right to terminate the Agreement at his sole discretion and for any reason that the Developer determines is reasonable. Following 18 months, the Developer retains the Right to Terminate the Agreement at his sole discretion, but must follow a specific series of steps aimed at resolving any issues causing the Developer to want to terminate the Agreement. These include meetings to discuss operational alternatives, which may include limited ticket parking, increased timed ticket parking rates, and a reduced number of public passes. In the end, however, the Developer retains the sole right to determine that the relationship is not working and to terminate the Agreement, but not before all other options have been attempted, including the developers leasing of 150 public passes for a minimum of 30 days.

The parties have agreed to a formula and process that determines the Project's Fair Market Value (FMV). Essentially, the City's contribution to the Project comes to fifty-six percent (56%) of the cost of the Garage portion of the Project, including land. In the event the Agreement is Terminated, the FMV of the City's portion, or excess parking spaces, will be determined by a specified appraisal procedure. This "Market" value, as established by the appraisals, will then be multiplied by 56% to determine the FMV due to the City. The FMV formula is referred to in the "Termination Rights", "Right of First Refusal", and "Condemnation" Sections.

In the event of termination under this Section, the City will receive its contribution plus four percent (4%) annual simple interest or the Fair Market Value of its portion of the project as determined in the Agreement. A schedule showing this payment is attached as Attachment "C" to the memo. This schedule demonstrates how the City's discount (the portion of value attributable to land) was calculated. Thirty percent (30%) of the project's Floor Area Ratio (FAR) is surplus parking, therefore, 30% was applied to the land value. This value was then applied on a per space basis, resulting in a land value per space of \$11,413, and a total per space value of \$29,238. Therefore, the City's is contributing 56% of the total value (cost) per space. Additionally, Attachment A shows the value of the City's contribution per year per the "floor" of 4% simple interest and the corresponding per space value for that year after factoring in the City's discount. The Administration has also provided projected market value for an excess parking space, with 6% growth in the first four years and 3% growth subsequently. Based on these estimates it is likely that in the event of termination, the payment to the City will trigger the Fair Market Value calculation rather than the floor of 4%.

#### Planning Board – Conditional Use

The Potamkin site is 50 feet away from the RM-1 Residential District (600 Lenox) and 70 feet from a residential use (1050 6th Street) and therefore Section 130-69.5 of the City Code will apply, requiring Conditional Use approval by the Planning Board to operate past midnight. The City and Developer will jointly schedule a future item for consideration by the Planning Board to address this issue, as it is contemplated that the Transit Facility will be operational 24/7.

**Sec. 130-69.5. Additional requirements.**

In addition to any other requirements regarding parking garages and parking lots contained herein, and except where a parking garage or lot is accessory to a residential use and located on the same lot, all parking garages and lots located within 100 feet of a residential use or district that intend to operate after midnight, shall obtain conditional use approval from the planning board before obtaining a building permit or occupational license.

Finance and Citywide Projects Committee – February 14, 2005

On February 14, 2005, a Special Finance and Citywide Projects Committee meeting was held to review the terms presented herein, the application for alley vacation and the outstanding issues. The Committee recommended the parties proceed to finalize negotiations. At this meeting, the Administration summarized the terms of the Agreement and the Declaration of Condominium, and further discussed the request for the Art in Public Places waiver. There were some concerns raised about the possibility that the project may be deemed ineligible for FTA funding, and discussion of the potential use of South Pointe RDA funds in that instance. Further discussion ensued regarding the Developer's termination rights, including a discussion of the legal issues involved in using public funds for the public purpose of building the proposed garage. There was sentiment from the Committee that there was concern about the termination rights, but that overall the project and Development Agreement appeared to be a "win-win" for both the Developer and the City, given the value obtained in acquiring 535 City-owned public parking spaces without land costs at the entrance to the City.

**CONCLUSION**

Although this project is based on a complicated Development Agreement, there are many compelling reasons supporting approval on first reading. The City has no land cost associated with the construction of a park and ride facility at the entrance to the City, which represents a discount of 44%, and risk is eliminated by the Developer's Guaranteed Maximum Price. Also, the Developer is constructing the project, rather than the City, and the City will operate the facility. The City expects to utilize a portion of Federal Transit Administration funding that has been awarded to the City. This project will activate the western end of Fifth Street, redevelop a designated brownfield, create over 500 jobs, and attract retail stores that do not currently exist in Miami Beach, as well as secure a five-year community request through the establishment of a supermarket in that neighborhood.

Ultimately, the City will have a facility that accomplishes the items previously listed, with a risk-free investment with secured delivery of the project. If at some point in the future the Developer exercises his termination rights, the end result will be the return of the City's investment plus a minimum of 4% interest, a more likely return based on fair market value, and the facility and the majority of the identified benefits will still be in place.

Therefore, in accordance with the requirements of Sections 163.3220 - 163.3243, Florida



Statutes, also referred to as the Florida Local Government Development Agreement Act, it is recommended that the Mayor and City Commission approve at the first of two duly noticed Public Hearings, a Development Agreement between the City of Miami Beach and AR&J Sobe, LLC (A/K/A Potamkin/Berkowitz) for the Development of the Project, presently referred to as “5th and Alton”, containing approximately 179,000 square feet of retail area, a supermarket; an approximate 1081 space parking garage; park-and-ride transit facility, including an intermodal/transportation component, and surrounding streetscape and public infrastructure to serve the project, bounded by Lenox Avenue on East, Alton Road on West, 6th Street on North and 5th Street on the South, in Miami Beach.

JMG/TH/KC/rar

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Attachments      A – Resolution No. 2005-25827  
                         B – Pro Forma  
                         C – Fair Market Value  
                         D – Development Agreement – Under Separate Cover

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 163.3220 - 163.3243, FLORIDA STATUTES, ALSO REFERRED TO AS THE "FLORIDA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT", APPROVING, ON FIRST READING, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND AR&J SOBE, LLC (a/k/a POTAMKIN/BERKOWITZ) FOR THE DEVELOPMENT OF THE PROJECT, PRESENTLY REFERRED TO AS "5TH AND ALTON", CONTAINING APPROXIMATELY 179,000 SQUARE FEET OF RETAIL AREA; A SUPERMARKET; AN APPROXIMATELY 1081 SPACE PARKING GARAGE; PARK-AND-RIDE TRANSIT FACILITY, INCLUDING AN INTERMODAL/TRANSPORTATION COMPONENT; AND SURROUNDING STREETScape AND PUBLIC INFRASTRUCTURE TO SERVE THE PROJECT, BOUNDED BY LENOX AVENUE ON THE EAST, ALTON ROAD ON THE WEST, 6th STREET ON THE NORTH AND 5th STREET ON THE SOUTH, IN MIAMI BEACH; FURTHER SETTING THE SECOND PUBLIC HEARING FOR SECOND (AND FINAL) APPROVAL OF THE DEVELOPMENT AGREEMENT; FURTHER DIRECTING THE ADMINISTRATION TO PREPARE A RESOLUTION GRANTING A WAIVER OF DEVELOPER'S REQUIRED ART IN PUBLIC PLACES CONTRIBUTION FOR THE PROJECT, WITH SUCH WAIVER TO BE CONSIDERED BY THE CITY COMMISSION ON SECOND AND FINAL READING OF THE DEVELOPMENT AGREEMENT.

**WHEREAS**, on June 7, 2000, the Mayor and City Commission adopted Resolution No. 2000-23963, designating the area bounded by 6<sup>th</sup> Street to the North, 5<sup>th</sup> Street to the South, Alton Road to the West and Lenox Avenue to the East, as a Brownfield area to promote the environmental restoration and economic redevelopment of the area; and

**WHEREAS**, since July 2002, the Administration has been meeting with representatives of the site, generally located on 5<sup>th</sup> Street and Alton Road, owned by the Potamkin family, to address a joint development opportunity and to review a preliminary site plan for a five (5) level mixed-use retail complex, including a public parking garage and a supermarket (the Project); and

**WHEREAS**, in accordance with the City Commission's directive and the community's identified needs, the City's interest in the Project's development was primarily focused on achieving the public benefit of locating a supermarket, exploring transit and excess parking opportunities, and developing a gateway project at one of the City's main arterial entryways; and

**WHEREAS**, over the past two (2) years, the Project has been reviewed on several occasions by various City Committees including the Finance & Citywide Projects Committee, Transportation and Parking Committee, Design Review Board and Historic Preservation Board; and

**WHEREAS**, having taking into consideration the recommendations from these Committees, the parties have reached agreement on a majority of the substantive terms and conditions that would govern the City's joint participation, including the identification of Federal Transit Administration (FTA) funding, as a potential source for the City's capital contribution to the Project; and

**WHEREAS**, on April 5, 2004, the Developer, AR&J SOBE, LLC, and its Project team and City staff met with the FTA in Atlanta to review FTA funding requirements; the FTA expressed favorable comments in its initial review of the Project and indicated the City would need to place emphasis on the transit elements of the Project, focusing on their location, cost and use, and transit user profiles to determine the Project's eligibility for FTA funding; and

**WHEREAS**, in addition, as reported in May 2005 to the City Commission, the City and Developer have continued to address other issues including: Floor Area Ratio (FAR), Alley Vacation, Park and Ride Transit Facility components, Art in Public Places, Planning Board – Conditional Use and rising construction costs; and

**WHEREAS**, as part of the ongoing negotiations, many areas of uncertainty continued to arise, affecting the ongoing Project negotiations; namely: (1) the FTA funding requirements and pending approval by FTA; and (2) the rising cost of construction, and its impact on the City's financial contribution to the Project; and

**WHEREAS**, these issues were discussed by the Finance Committee on October 26, 2004, and resolved as set forth below:

- **FTA:** Since the outcome of the FTA funding eligibility will not be confirmed until sometime in the future, the Developer is facing timing constraints to determine whether or not to proceed with the City, or independently, in the proposed Project. The Finance Committee recommended that the City commit to proceed with the Project irrespective of FTA funding eligibility. In other words, if FTA deems the project is not wholly or in part eligible, the City will be committing non FTA funding, preferably South Pointe RDA funds, in order to guarantee the City's participation in the Project from the onset;
- **Construction Cost Estimates:** As to the rising cost of construction, on August 25, 2004 and September 14, 2004, the Developer submitted a take-off analysis of the estimated construction cost of the parking component of the proposed Project, which was prepared by the Developer's consultant Moss and Associates. The Developer also conducted an area analysis and calculated a percentage cost per

square foot, which yielded a higher value for the garage. The Developer's analysis reflected a revised construction cost estimate of \$20,741/per space (based on percentage allocation) and \$18,025/per space based on the Moss Take-off analysis;

The City had previously negotiated a \$14,500/per space cost contribution to the project, which represented a \$7,250,000 capital contribution based on 500 spaces. The new cost estimates submitted by the Developer represent an over 24-43% increase in the City anticipated contribution to the Project;

The City engaged its Program Manager, URS, to review and perform an independent analysis of the Moss and Associates Take-off analysis (submitted by the Developer) and of the construction costs submitted. As a result, URS submitted revised construction cost estimates and reallocations, as deemed necessary, and URS determined the per space cost, without any alteration to the proposed Project design, would be approximately \$16,262/per space; and

**WHEREAS**, the Finance Committee discussed the reality of rising construction costs and felt it was appropriate to modify the City's capital cost contribution accordingly, due to the Developer's guarantee to assume any construction cost overruns; and

**WHEREAS**, the rise in costs is mitigated by the Developer's guarantee to assume the construction risk associated with any future cost increases or construction change orders not dictated by the City and/or any FTA requirement; and

**WHEREAS**, based on the revised construction cost estimates and Developer's assumption of the aforesaid risks, the Finance Committee recommended committing to the revised City capital contribution to the Project of \$9,500,000, as cited above; and

**WHEREAS**, City and Developer will jointly operate and maintain the Park and Ride Transit Facility; and

**WHEREAS**, annual operating expenses of the garage will be shared by Developer and City; further, net revenues or operating losses will be shared on a pro-rata basis based on the ownership of spaces; and

**WHEREAS**, the Agreement contains provisions for post-construction termination by Developer, in which event City shall be reimbursed its contribution plus four percent (4%) annual simple interest or the Fair Market Value of its portion of the Project; and

**WHEREAS**, City and Developer agree that the City's contribution to the Project is fifty-six percent (56%) of the cost of the Project, and further agree that fifty-six percent (56%) shall be the formula applied to determine Fair Market Value in the event of termination; and

**WHEREAS**, the Developer has requested a waiver of the Art in Public Places contribution pursuant to the provisions of the Art in Public Places Ordinance; and

**WHEREAS**, on December 8, 2004 the Mayor and City Commission set the first public hearing to consider the aforesated Development Agreement, on First Reading; and

**WHEREAS**, the Administration recommends that the Mayor and City Commission approve the Development Agreement on First Reading, and set the Second (and final) Public Hearing for May 18, 2005; and

**WHEREAS**, the Administration further recommends that the Mayor and City Commission direct the Administration to prepare a Resolution granting the request for a waiver of the Developer's Art in Public Places contribution to be considered by the Mayor and City Commission concurrent with the second and final reading of the Development Agreement.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that in accordance with the requirements of Sections 163.3220 - 163.3243, Florida Statutes, also referred to as the "Florida Local Government Development Agreement Act", the Mayor and City Commission hereby approve, at the first of two duly noticed Public Hearings, the attached Development Agreement between the City of Miami Beach and AR&J Sobe, LLC (A/K/A Potamkin/Berkowitz) for the development of the Project, presently referred to as "5th and Alton", containing approximately 179,000 square feet of retail area; a supermarket; an approximately 1070 space parking garage; park-and-ride transit facility, including an intermodal/transportation component; and surrounding streetscape and public infrastructure to serve the Project, bounded by Lenox Avenue on the East, Alton Road on the West, 6th Street on the North and 5th Street on the South, in Miami Beach; further setting the second (and final) public hearing for approval of the Development Agreement; and further directing the Administration to develop a Resolution granting a waiver of the Developer's Art in Public Places required contribution for the Project, with such waiver to be considered by the City Commission on second and final reading of the Development Agreement.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of April, 2005.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

JMG/TH/rar

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**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

 4-15-05  
City Attorney Date

Attachment "A"

**RESOLUTION NO. 2005-25827**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, APPROVING AND AUTHORIZING THE VACATION OF AN ALLEY, CONTAINING APPROXIMATELY 7,800 SQUARE FEET AND LOCATED ADJACENT TO THE PROPOSED AR & J SOBE, LLC (A/K/A POTAMKIN/BERKOWITZ) PROJECT AT 5<sup>TH</sup> STREET AND ALTON ROAD, IN FAVOR OF THE APPLICANT (AND DEVELOPER OF THE PROJECT), AR & J SOBE, LLC; WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS, PURSUANT TO ARTICLE II, SECTION 82-36 THROUGH 82-40 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; PROVIDED FURTHER THAT THE CITY'S APPROVAL OF THE AFORESTATED VACATION IS SUBJECT TO AND CONTINGENT UPON AR & J SOBE, LLC'S SATISFACTION OF THE CONDITIONS SET FORTH IN THIS RESOLUTION, AND COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE ATTACHED VACATION AGREEMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED VACATION AGREEMENT AND ANY AND ALL DOCUMENTS TO EFFECTUATE THE VACATION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW OF SAME BY THE CITY ATTORNEY'S OFFICE.**

**WHEREAS**, on June 7, 2000, the Mayor and City Commission adopted Resolution No. 2000-23963, designating the area bounded by 6<sup>th</sup> Street to the North, 5<sup>th</sup> Street to the South, Alton Road to the West, and Lenox Avenue to the East, as a Brownfield area to promote the environmental restoration and economic redevelopment of the area; and

**WHEREAS**, since July 2002, the Administration has been meeting with representatives of the site generally located on 5<sup>th</sup> Street and Alton Road, owned by the Potamkin family, to address a joint development opportunity and to review a preliminary site plan for a five (5) level mixed-use retail complex, including approximately 1081 parking spaces and a supermarket (the Project); and

**WHEREAS**, in accordance with the City Commission's directive and the community's identified needs, the City's interest in the Project development is primarily focused on achieving the respective public benefits of locating a supermarket, exploring transit and excess parking opportunities, and developing a gateway project, at one of the City's main arterial entryways; and

**WHEREAS**, over the past two (2) years, the proposed Project has been reviewed on several occasions by various City Committees including Finance & Citywide Projects Committee, Transportation and Parking Committee, Design Review Board, and Historic Preservation Board; and

**WHEREAS**, the City is the holder of a public right-of-way easement and an alley adjacent to the Project, containing approximately 7,800 square feet (the Alley); and

**WHEREAS**, in consideration of the public benefits being provided by Developer in the Project, the Developer has made a request and submitted an application, in accordance with the City's Guidelines for Vacation or Abandonment of Streets or Other Rights of Way, and pursuant to Section 82-36 through 82-40 of the City Code (Ordinance No. 92-2783), for vacation of the Alley; and

**WHEREAS**, pursuant to Resolution No. 2005-25805, and as required by Section 82-37 of the City Code, the Mayor and City Commission held a duly noticed public hearing on February 23, 2005, to hear public comment regarding the proposed Alley vacation; and

**WHEREAS**, additionally, as required by Section 82-38 of the City Code, a Planning Department Analysis has been prepared with regard to the proposed Alley vacation; said analysis is attached and incorporated as Exhibit "A" to this Resolution; and

**WHEREAS**, the Administration would recommend that the Mayor and City Commission approve the requested Alley vacation in favor of the Developer, AR & J SOBE, LLC, subject to and contingent upon the Developer's satisfaction of the following conditions:

- 1) AR & J SOBE, LLC's full compliance with the terms and conditions of the Vacation Agreement, by and between the City and AR & J SOBE, attached and incorporated as Exhibit "B" hereto;
- 2) In addition to AR & J SOBE's compliance with the terms and conditions of the attached Vacation Agreement, that the proposed Alley Vacation be subject to the following possible reverter and/or reconveyance provisions:
  - (i) In the event Developer does not enter into a supermarket lease (as defined in the attached Vacation Agreement) on or before eighteen (18) months after the Effective Date of the Vacation Agreement or Commencement of Construction, as defined therein, whichever comes first;
  - (ii) In the event Developer does not Commence Construction of the Project on or before September 1, 2006, subject to extension for Unavoidable Delays;
  - (iii) In the event the Project is substantially modified from the Project approved by the Historic Preservation Board and Design Review Board, as referenced in the respective Board Orders issued in August 2004 (interior reconfigurations to change or reduce parking areas and/or add/reconfigure leaseable space shall not be deemed a modification of the Project approved as aforesated, except where any such interior reconfigurations (i) may result in a change to the Project Floor Area Ratio (F.A.R.) beyond that which is permitted as of the Effective Date of the Vacation Agreement, and/or (ii) may result in a modification to the Project exterior façade/elevations from those approved in the attached August 2004 Board orders);
  - (iv) Provided City has timely exercised its option to purchase same, in the event that Developer does not dedicate and convey the Transit Facility Dedication Area to the City on or before the Commencement of Construction.

The City shall not be obligated to fund any costs of Developer's Project construction costs (hard and/or soft costs) except if it elects to acquire the Transit Facility Dedication Area and have Developer install the Transit Facility Dedication Area Finishes (as defined in the Vacation Agreement) and/or Elevator, as provided in the Vacation Agreement. In the event that the cost of construction of the Transit Facility Dedication Area, Transit Facility Dedication Area Finishes, and (should the City so opt) the Elevator exceed the City's contribution(s) for same, as set forth in this Vacation Agreement, Developer shall be solely responsible for payment of, and shall pay, all excess costs.

The amount to be paid by City at the time of dedication shall be the maximum amount that Developer could be entitled to, but Developer shall, within thirty (30) days after Substantial Completion of the Project, provide to City a reconciliation of the actual hard and soft costs of the Transit Facility Dedication Area Finishes and Elevator and a check for any refund owed to City on account thereof.

The City shall fund its contribution to the Transit Facility Dedication

Area, Transit Facility Dedication Finishes, and (should it so opt) the Elevator at the time of the dedication and conveyance of the Transit Facility Dedication Area to the City, which will take place no later than the Commencement of Construction of the Project and the issuance by the City Manager of the recordable instrument(s) stating that the Conditions provided for in Paragraph 4 of the Vacation Agreement have occurred, such that no further reversion of the Alley to the City is possible; and

**WHEREAS**, the City's Public Works Department has received and reviewed the Developer's application for vacation of the Alley, and has determined that the Developer has complied with the submission requirements therein; and


**WHEREAS**, additionally, as permitted by Section 82-39 of the City Code, the Administration would recommend that the Mayor and City Commission waive, by 5/7ths vote, the competitive bidding and appraisal requirements, finding that the public interest would be served by such waiver.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission, following a duly noticed public hearing to hear public comment on same, approve and authorize the vacation of an Alley, containing approximately 7,800 square feet and located adjacent to the proposed AR & J SOBE, LLC (a/k/a Potamkin/Berkowitz) Project at 5<sup>th</sup> Street and Alton Road, in favor of the Applicant (and Developer of the Project), AR & J SOBE, LLC; waiving, by 5/7ths vote, the competitive bidding and appraisal requirements, pursuant to Article II, Section 82-36 through 82-40 of the Miami Beach City Code, finding such waiver to be in the best interest of the City; provided further that the City's approval of the aforesated Alley vacation is subject to and contingent upon AR & J SOBE, LLC's satisfaction of the conditions set forth in this Resolution, and compliance with the terms and conditions of the attached Vacation Agreement; authorizing the Mayor and City Clerk to execute the attached Vacation Agreement and any and all documents to effectuate the Alley vacation, including a quit claim deed, subject to final review of same by the City Attorney's office.

**PASSED and ADOPTED** this 23rd day of February, 2005

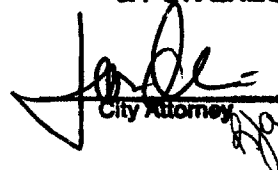
**ATTEST:**

  
CITY CLERK

  
MAYOR

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**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
City Attorney 2/22/05



**Attachment "B"**

**CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
P&B OPERATING ASSUMPTIONS/COMPARISONS**

	City's Share 49.5%		Developer's Share 50.5%
REVENUE			
TENANT CONTRIBUTION	\$	290,000	
TRANSIENT - 32 X 1.5 @ \$1.00 X 365	\$	17,520	
MONTHLY- 138 x \$60 x 12	\$	99,360	
VALET -150 spaces x \$45 x 12 (11p-7a)	\$	181,000	
VALIDATIONS			
TOTAL REVENUE	\$	587,880	
EXPENSES			
PAYROLL			
PAYROLL TAXES			
WORKERS COMP			
HEALTH/WELFARE			
UNIFORMS			
PROF SVS			
SUBTOTAL PARKING ATT/SUPERVISORS	\$	280,525	\$ 138,860 \$ 141,665
TELEPHONE	\$	3,000	\$ 1,485 \$ 1,515
UTILITIES/ELECTRICITY	\$	45,600	\$ 22,572 \$ 23,028
R&M			
MAINT SALARIES	\$	-	\$ - \$ -
JANITORIAL	\$	60,000	\$ 29,700 \$ 30,300
LOT SWEEPING	\$	18,000	\$ 8,910 \$ 9,090
LOT LIGHTING			\$ - \$ -
ELEC REPAIRS	\$	5,000	\$ 2,475 \$ 2,525
CLEANING SUPPLIES	\$	5,000	\$ 2,475 \$ 2,525
HVAC MAINT/REP	\$	4,500	\$ 2,228 \$ 2,273
SVS CONTRACTS			
FIRE EXT	\$	1,500	\$ 743 \$ 758
FIRE ALARM MONITORING	\$	1,800	\$ 891 \$ 909
EMERGENCY GENERATOR	\$	3,662	\$ 1,813 \$ 1,849
PRESSURE CLEANING	\$	-	\$ - \$ -
EQUIPMENT RENTAL & REPAIRS	\$	-	\$ - \$ -
LICENSE	\$	400	\$ 198 \$ 202
TICKETS	\$	8,000	\$ 3,960 \$ 4,040
SIGNAGE	\$	1,000	\$ 495 \$ 505
COURIER SERVICE	\$	6,716	\$ 3,324 \$ 3,392
PEST CONTROL	\$	1,000	\$ 495 \$ 505
STORM WATER	\$	4,600	\$ 2,277 \$ 2,323
WATER/SEWER	\$	7,200	\$ 3,564 \$ 3,636
SECURITY	\$	200,000	\$ 99,000 \$ 101,000
ELEVATOR MAINT	\$	3,000	\$ 1,485 \$ 1,515
FIRE SAFETY EQIP	\$	-	\$ - \$ -
TRASH REMOVAL	\$	3,500	\$ 1,733 \$ 1,768
FIRE ALARM/SPR MONITORING	\$	3,000	\$ 1,485 \$ 1,515
LIAB INS	\$	-	\$ - \$ -
PRINTING/TICKETS ETC.	\$	8,000	\$ 3,960 \$ 4,040
MGT FEES	\$	17,636	\$ 8,730 \$ 8,906
MARKETING	\$	3,000	\$ 1,485 \$ 1,515
TOTAL EXPENSE	\$	695,639	\$ 344,342 \$ 351,298
PROFIT/(LOSS)	\$	(107,759)	\$ (53,341) \$ (54,418)

LOT LIGHTING INCLUDED IN UTILITIES  
EQUIPMENT RENTAL & REPAIRS - N/A  
MANAGEMENT FEE 3% OF GROSS

## Attachment "C"

		<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
Fair Market Value Determination			Total Space Value must exceed this amount for FMV to apply	Projected Value - estimated market value for an excess parking space
		CMB Base Value		
\$ 19,269,068	Cost for Entire Garage (Moss)	Year		
\$ 8,771,325	CMB Garage Contribution	2005 \$	16,395 \$	29,277
1,081	Total Parking Spaces	2006 \$	17,051 \$	30,448 \$
\$ 17,825	Cost per Space	2007 \$	17,707 \$	31,619 \$
535	City Spaces	2008 \$	18,362 \$	32,790 \$
97	City Supermarket Spaces	2009 \$	19,018 \$	33,961 \$
438	Surplus Spaces	2010 \$	19,674 \$	35,132 \$
546	AR&J Spaces	2011 \$	20,330 \$	36,303 \$
		2012 \$	20,986 \$	37,474 \$
248,842	Project FAR	2013 \$	21,641 \$	38,645 \$
74,653	Surplus Parking	2014 \$	22,297 \$	39,816 \$
30%	Surplus Parking Share of FAR	2015 \$	22,953 \$	40,988 \$
2.67	Lot Size (Acres)	2016 \$	23,609 \$	42,159 \$
116,305	Lot Size (Sq Ft)	2017 \$	24,265 \$	43,330 \$
\$ 175	Boymelgreen Comp Sale PSF	2018 \$	24,920 \$	44,501 \$
\$ 20,353,375	Land Value	2019 \$	25,576 \$	45,672 \$
		2020 \$	26,232 \$	46,843 \$
30%	Surplus Parking Land Allocation	2021 \$	26,888 \$	48,014 \$
\$ 6,106,013	Surplus Parking Land Value	2022 \$	27,544 \$	49,185 \$
\$ 11,413	Land Value Per Space	2023 \$	28,199 \$	50,356 \$
		2024 \$	28,855 \$	51,527 \$
		2025 \$	29,511 \$	52,698 \$
\$ 16,395	City Contribution per Space	2026 \$	30,167 \$	53,869 \$
		2027 \$	30,823 \$	55,040 \$
\$ 29,238	Value per Space	2028 \$	31,478 \$	56,211 \$
		2029 \$	32,134 \$	57,383 \$
56%	City Share of Space Value	2030 \$	32,790 \$	58,554 \$
44%	City Discount			

Years 1-4

6%

Years 5+

3%

Column A represents the value of the City's investment with 4% annual simple interest.

Column B represents the appraised value that a parking space must exceed to trigger Fair Market Value at the time of termination.

Column C represents the projected market value of an excess parking space.

**DEVELOPMENT AGREEMENT**  
**SUBMITTED UNDER A SEPARATE**  
**COVER**

**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

Acceptance of the City Manager's recommendation pertaining to the ranking of firms pursuant to Request for Qualifications (RFQ) 01-04/05 for an Environmental Assessment for the 5<sup>th</sup> and Alton Transit Center; further authorizing the Administration to negotiate with the top-ranked firm of HDR; if not successful, to negotiate with the second-ranked firm of URS, and if not successful, to negotiate with the third-ranked firm of Geotech Environmental.

**Issue:**

Shall the City Commission authorize the Administration to negotiate an agreement for an Environmental Assessment for the project at 5<sup>th</sup> Street and Alton Road, also known as the Potamkin Project, for the purpose of meeting Federal Transit Administration requirements related to the National Environmental Protection Act (NEPA), in order to qualify the project for federal funding?

**Item Summary/Recommendation:**

Approve the Resolution.

**Advisory Board Recommendation:**

An Evaluation Committee met on January 27, 2005, and recommended HDR as the top-ranked firm, URS as the second-ranked firm, and Geotech Environmental as the third-ranked firm.

**Financial Information:**

**Amount to be expended:**

\$0

**Source of Funds:** N/A

n/a

Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
<b>Total</b>			

**City Clerk's Office Legislative Tracking:**

Kevin Crowder, Economic Development

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM

R7G

DATE

4-20-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF FIRMS PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 01-04/05 FOR AN ENVIRONMENTAL ASSESSMENT FOR THE 5<sup>TH</sup> AND ALTON TRANSIT CENTER; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM OF HDR ENGINEERING, INC; SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE TOP-RANKED FIRM, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE SECOND-RANKED FIRM OF URS CORPORATION; SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE SECOND-RANKED FIRM, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE THIRD RANKED FIRM OF GEOTECH ENVIRONMENTAL.**

### RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

On June 7, 2000, the Mayor and City Commission adopted Resolution No. 2000-23963 designating the area bounded by 6<sup>th</sup> Street to the North, 5<sup>th</sup> Street to the South, Alton Road to the West and Lenox Avenue to the East, as a Brownfield area to promote the environmental restoration and economic redevelopment of the area.

Since July 2002, the Administration has been meeting with representatives of the site generally located on 5<sup>th</sup> Street and Alton Road, owned by the Potamkin family, to address a joint development opportunity and to review a preliminary site plan for a vertical retail complex, including public parking spaces, transit elements and a supermarket. In accordance with the City Commission's directive and the community's identified needs, the City's interest in the project development was primarily focused on achieving the public benefit of locating a supermarket, exploring transit and excess parking opportunities, and developing a gateway project at one of the City's main arterial entryways.

Over the past two (2) years, the proposed project has been reviewed on several occasions by various City Committees including Finance & Citywide Projects Committee, Transportation and Parking Committee, Design Review Board and Historic Preservation Board. With the recommendations from these meetings, the parties have reached agreement on a majority of the substantive terms and conditions that would govern the

City's joint participation, including the identification of Federal Transit Administration (FTA) funding, as the primary source, for the City's capital contribution to the project.

On April 5, 2004, the Developer and its project team and City staff met with the FTA in Atlanta to review FTA funding requirements. The FTA expressed favorable comments in its initial review of the project and indicated the City would need to place emphasis on the transit elements of the project, focusing on their location, cost and use, and transit user profiles to determine the project's eligibility for FTA funding. To address the FTA issues, it was deemed to be in the parties' mutual best interest to commence and conduct the required FTA Environmental Assessment (EA) and evaluate the ability to apply for additional funding through FTA's competitive grant application process.

### **RFQ PROCESS**

On May 26, 2004, the City Commission authorized the issuance of an RFQ to solicit the qualifications from professional firms with the capability and experience to provide Environmental Assessment services. The purpose of the 5th and Alton Transit Center Environmental Assessment is to analyze impacts of a new park and ride facility on the northeast corner of Alton Road and 5th Street (MacArthur Causeway) in Miami Beach. The park and ride would serve local and regional bus routes serving Miami Beach, carpools, vanpools, pedestrian links, and future local and regional mass transit operations.

The project will consist of 1,081 parking spaces, transit elements, and 179,000 square feet of retail space. The site is a designated brownfield, and is located in a historic district with one contributing building.

The selected consultant will be expected to conduct an Environmental Assessment for the proposed project following the NEPA (National Environmental Policy Act) Process.

RFQ 38-03/04 was issued on July 30, 2004 with an opening date of September 10, 2004. BidNet issued bid notices to 101 prospective proposers, resulting in 39 proposers requesting RFQ packages, which resulted in the receipt of one (1) proposal from:

- URS.

The City Manager via Letter to Commission, appointed an Evaluation Committee ("the Committee") consisting of the following individuals:

- Morris Sunshine, Resident
- Amelia Johnson, Transportation Planner
- Ivette Borello, Resident
- Margarita Cepeda, Executive Director Unidad Hispanic Community Center
- Jordanna Rubin, Environmental Specialist
- Cathy Owen, DOT Environmental Management Office
- Stephen Nostrand, Resident
- Mark Needle, Resident
- Stephen Foren, Senior Planner

On October 29, 2004, the Committee convened. The Committee was provided information in reference to the project by Kevin Crowder, Economic Development Director, and a representative from the Procurement staff.

After discussions in reference to URS, the only respondent to the solicitation, it was the committee's unanimous decision to recommend to the City Manager that all RFQ's in reference to this solicitation be rejected due to the fact that there was only one response. It was the Administration's decision to accept the committee's recommendation.

RFQ 01-04/05 was issued on December 8, 2004 with an opening date of January 19, 2005. BidNet issued bid notices to 69 prospective proposers, resulting in 25 proposers requesting RFQ packages, which resulted in the receipt of three (3) proposals from:

- Geotech Environmental
- HDR
- URS

The City Manager, via a Letter to Commission, appointed an Evaluation Committee ("the Committee") consisting of the following individuals:

- Morris Sunshine, Resident
- Ivette Borello, Resident
- Margarita Cepeda, Executive Director Unidad Hispanic Community Center
- Jordanna Rubin, Environmental Specialist
- Mark Needle, Resident

On January 27, 2005, the Committee convened. The Committee was provided information in reference to the project by Kevin Crowder, Economic Development Director, and a representative from the Procurement staff. Mark Needle was unable to attend the evaluation Committee meeting and Morris Sunshine excused himself on the record do to conflict of interest. Irregardless, quorum was attained so the meeting proceeded.

Additionally, the Committee reviewed references secured by the Procurement staff, and discussed the following RFQ evaluation criteria and weighted score, which was used to evaluate and rank the respondents:

- Ability of Professional Personnel - 25 Points
- Whether a firm is a certified minority business enterprise - 10 Points
- Past Performance - 20 Points
- Ability to meet time and budget requirements - 10 Points
- Location - 5 Points
- Recent, current, and projected workloads of the firms - 10 Points
- The volume of work previously awarded to each firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms - 20 Points

During the evaluation of proposals each respondent company was invited to provide a 10-minute presentation to be followed by a 10-minute question and answer session. After the firms' presentations, the Committee members ranked the firms accordingly:

Company Name	Margarita Cepeda	Ivette Borello	Jordanna Rubin
HDR (1)	99 (1)	100 (1)	94 (1)
URS (2)	61 (2)	85 (2)	92.5 (2)
Geotech Environmental (3)	32 (3)	76 (3)	85 (3)

As per Section 287.055, Florida Statutes, known as the Consultants' Competitive Negotiation Act, the Committee ranked no less than 3 firms.

**LEGEND:**

**HDR** 3-1st place votes = 3x1=3  
**TOTAL = 3 = Ranked 1st**

**URS** 3-2<sup>nd</sup> place votes = 3x2=6  
**TOTAL = 6 = Ranked 2nd**

**Geotech Environmental** 3-3<sup>rd</sup> place votes = 3x3=9  
**TOTAL = 9 = Ranked 3rd**

The firm of HDR was deemed to be the first ranked firm based on the experience and qualifications of their team. The HDR project team includes staff with significant experience in the FTA New Starts and Full Funding Grant Agreement (FFGA) processes. In addition, HDR has selected key staff members, who are thoroughly versed in all aspects of the preparation of National Environmental Protection Act (NEPA) documentation for transit projects, both locally as well as nationally, as well as preliminary engineering and final design of these transit projects. The HDR team includes the following sub-consultant firms, with their area of expertise and proposed contribution to the 5<sup>th</sup> Street and Alton Environmental Assessment project identified:

- Consulting Engineering and Science: contamination assessment, noise and air quality impact analyses, wetlands, endangered species and biological assessments.
- A&P Consulting (DBE): Stormwater management, drainage, and utilities.
- Crossroads Engineering (DBE): traffic counts.
- Janus Research: historical and archeological resource assessments.
- Kommunikatz: governmental relations and public involvement.
- Savino and Miller (DBE, based in the City of Miami Beach): landscape architecture and design.



HDR will offer the following to the City of Miami Beach:

- Team that has worked with the City of Miami Beach before and understands the City's needs.
- Team that understands the City's goals, knows the history of what has been accomplished and why, and understands the community's concern.
- All team members have worked together before on successful project completions.
- Past and present high profile project experience gathered through the continuous projects performed throughout South Florida.
- Assist the City, as required, with public involvement events to build consensus and support for the project.
- Team members that are skilled at working collectively with clients to achieve established goals in an expeditious manner.

## **RELATED EXPERIENCE PROJECT MANAGER**

### **Robert E. Cone, PE**

Mr. Cone has over 30 years experience in the planning, design and construction of transportation facilities, including the completion of environmental permitting projects. His experience has encompassed a wide range of project types, such as land development, utilities, roads, rail facilities, industrial, drainage and permitting of projects with regulatory agencies. Further Mr. Cone has extensive experience in NEPA documentation for transit and intermodal facilities that have been approved by Federal Agencies including the FTA. The following are several relevant projects that Mr. Cone has performed:

- Miami Intermodal Center (MIC), Miami, Florida
- LRT DEIS, Orlando
- CRT Analysis, Orlando, Florida
- FlexBRT PD & E, Orlando, Florida
- LYNX Central Station, Orlando, Florida
- LYNX Light Rail, Orlando, Florida

The following references were secured by the Procurement staff for HDR, they are follows:

Mr. Frank Baron  
Miami-Dade MPO

Miami-Dade Community College, Wolfson Campus

"They did a fine job. If selected, they will do a great job for the City of Miami Beach"

Mr. Evelio Chavez,  
ConsuTech Engineers  
"Excellent group of Engineers."

## **Conclusion**

The Administration recommends that the Mayor and City Commission approve the attached

resolution, which accepts the recommendation of the City Manager pertaining to the ranking of firms pursuant to Request for Qualifications (RFQ) No. 01-04/05 for an Environmental Assessment for the 5<sup>th</sup> and Alton Transit Center; authorizes the Administration to enter into negotiations with the top-ranked firm of HDR Engineering, Inc.; should the Administration not be able to negotiate an agreement with the top-ranked firm, authorizing the Administration to negotiate with the second-ranked firm of URS Corporation; and should the Administration not be able to negotiate an agreement with the second-ranked firm, authorizing the Administration to negotiate with Geotech Environmental.

JMG/TH/kc 

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF FIRMS PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 01-04/05 FOR AN ENVIRONMENTAL ASSESSMENT FOR THE 5<sup>TH</sup> AND ALTON TRANSIT CENTER; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM OF HDR ENGINEERING, INC; SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE TOP-RANKED FIRM, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE SECOND-RANKED FIRM OF URS CORPORATION; SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE SECOND-RANKED FIRM, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE THIRD RANKED FIRM OF GEOTECH ENVIRONMENTAL.**

**WHEREAS**, on June 7, 2000, the Mayor and City Commission adopted Resolution No. 2000-23963, designating the area bounded by 6<sup>th</sup> Street to the north, 5<sup>th</sup> Street to the south, Alton Road to the west and Lenox Avenue to the east, as a Brownfield area to promote the environmental restoration and economic redevelopment of the area; and

**WHEREAS**, in July 2002, the Administration began meeting with representatives of the site generally located on 5<sup>th</sup> Street and Alton Road, owned by the Potamkin family, to review a preliminary site plan for a five (5) level mixed-use retail complex, including over 900 parking spaces (the Project); and

**WHEREAS**, one of the proposed commercial uses for the Project included a supermarket and, to that end, Publix issued a letter of intent to lease a ground floor area in the complex; and

**WHEREAS**, in accordance with the City Commission's directive and the community's identified needs, the City's interest in the Project development was primarily focused on achieving the public benefit of locating a supermarket, exploring transit and excess parking opportunities, and developing a gateway project at one of the City's main arterial entryways; and

**WHEREAS**, this Project has been the subject of much discussion due to (1) its pivotal location at the entrance to Miami Beach from the MacArthur Causeway; (2) due to transportation/concurrency issues that will affect ingress/egress to the site; and (3) massing/height issues related to the Project; and

**WHEREAS**, to that end, the Developer has been working with the City's design review and planning staff in redesigning the Project to be of the highest quality, commensurate with its prominent location; and

**WHEREAS**, on April 5, 2004, the Developer and its Project team and City staff met with the Federal Transit Administration (FTA) in Atlanta to review FTA funding requirements; and the FTA expressed favorable comments in its initial review of the Project and indicated the City would need to place emphasis on the transit elements of the Project, focusing on their location, cost and use, and transit user profiles to determine the Project's eligibility for FTA funding; and the parties will explore to what degree the Federal funding restrictions apply to the privately funded, non-transit portion of the Project; and

**WHEREAS**, the FTA funding has an extensive community and stakeholder participation process, culminating in the mandatory submittal of an Environmental Assessment (EA) Report identifying potential social, economic or environmental impacts that may arise as a result of the Project, and measures to mitigate these potential impacts; and

**WHEREAS**, FTA eligibility will be determined as a joint development project and must reflect the Project as a transit oriented development including the City's park and ride spaces and certain transit elements will be incorporated, owned and paid for by the City, including items such as transit station pedestrian connections and access links between transit services and the Project (i.e. expanded right of way area fronting Alton, 6<sup>th</sup> Street and 5<sup>th</sup> Streets), safety and security equipment, vertical access links (i.e. elevators and ramps), transit information center, signage, etc.; and

**WHEREAS**, as the parties continued to address outstanding and relevant issues, many areas of uncertainty continued to arise affecting the success of the negotiations. namely, (1) the FTA requirements and pending approval by FTA, and (2) the rising cost of construction, and its impact on the City's contribution to the Project; and

**WHEREAS**, it was deemed to be in the parties' mutual best interest to commence and conduct the required FTA Environmental Assessment (EA) and evaluate the ability to apply for additional funding through FTA's competitive grant application process; and

**WHEREAS**, the City will be assured if the Project qualifies as an FTA eligible funded Project, that it may seek to maximize the grant funding available for the City's improvements, since FTA regulations will apply to the public portion of the Project, at a minimum; and

**WHEREAS**, pursuing this course should also minimize the uncertainty surrounding the FTA restrictions that may apply and most issues will be raised and addressed before any final City Commission action is taken as to the Project; and

**WHEREAS**, on May 26, 2004, the Mayor and City Commission approved Resolution No. 2004-25574 to establish a Request For Qualifications (RFQ) for the professional architectural and engineering services related to the preparation of the Environmental Assessment report, as required by the Federal Transit Administration; and

**WHEREAS**, RFQ No. 01-04/05 was issued on December 28, 2005, with a deadline of January 14, 2005; and

**WHEREAS**, at an Evaluation Committee meeting on January 27, 2004, the committee ranked HDR Engineering as the top-ranked firm, URS Corporation as the

second-ranked firm, and Geotech Environmental as the third-ranked firm; and

**WHEREAS**, the City Manager concurs with the ranking of the Evaluation Committee.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the City Commission hereby accepts the City Manager's recommendation pertaining to the ranking of firms pursuant to Request for Qualifications No. 01-04/05 for an Environmental Assessment for the 5<sup>th</sup> and Alton Transit Center; further authorizing the Administration to enter into negotiations with the top-ranked firm of HDR Engineering; should the Administration not be able to reach agreement with the top-ranked firm, to enter into negotiations with the second-ranked firm of URS Corporation; and should the Administration not be able to reach agreement with the second-ranked firm, to enter into negotiations with the third-ranked firm of Geotech Environmental.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

**ATTEST:**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY CLERK**

JMG/CMC/rar

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

1/27/05  
\_\_\_\_\_  
Date

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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A resolution amending Resolution No. 2004-25742, setting the dates for the year 2005 Commission Meetings; authorizing a change in the Commission Meeting in May from May 25 to May 18; canceling the May 4 Commission date, and keeping the May 25 as an alternate Commission Meeting date; scheduling September 14, October 26 and December 14 as alternative Commission Meeting dates.

**Issue:**

Shall the City Commission approve changing the Commission Meeting schedule?

**Item Summary/Recommendation:**

Pursuant to Section 2.04 of the Miami Beach City Charter, "The City Commission shall meet at such times as may be prescribed by ordinance or resolution."


At the January 12, 2005 Committee of the Whole Meeting, Mayor Dermer solicited input regarding the scheduling of one City Commission meeting a month. Subsequent to Mayor Dermer's request, the Administration placed this issue on the February 23, 2005 Commission Meeting agenda to refer it to the Neighborhood/Community Affairs Committee for discussion. The Neighborhood/Community Affairs Committee met on March 29, 2005 and made a motion to accept the newly revised Commission Meeting schedule.

The Administration recommends approving changing the Commission Meeting dates.

**Advisory Board Recommendation:**

The Neighborhood/Community Affairs Committee - March 29, 2005 - Accepted the newly revised Commission Meeting schedule.


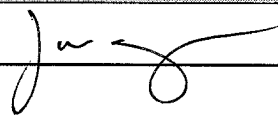
**Financial Information:**

Source of Funds:   Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

**City Clerk's Office Legislative Tracking:**

Bob Parcher, City Clerk

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM

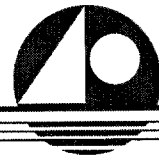
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DATE

4-20-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, AMENDING RESOLUTION NO. 2004-25742, SETTING THE DATES FOR THE YEAR 2005 COMMISSION MEETINGS; AUTHORIZING A CHANGE IN THE COMMISSION MEETING IN MAY FROM MAY 25 TO MAY 18; CANCELING THE MAY 4 COMMISSION DATE, AND KEEPING THE MAY 25 AS AN ALTERNATE COMMISSION MEETING DATE; SCHEDULING SEPTEMBER 14, OCTOBER 26 AND DECEMBER 14 AS ALTERNATIVE COMMISSION MEETING DATES.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

Pursuant to Section 2.04 of the Miami Beach City Charter, "The City Commission shall meet at such times as may be prescribed by ordinance or resolution."

At the January 12, 2005 Committee of the Whole Meeting, Mayor Dermer solicited input regarding the scheduling of one City Commission meeting a month. Subsequent to Mayor Dermer's request, the Administration placed this issue on the February 23, 2005 Commission Meeting agenda to refer it to the Neighborhood/Community Affairs Committee for discussion.

In preparing the Commission Meeting calendar the Administration takes into consideration events such as the Conference of Mayors, the Boat Show, Miami-Dade Days, Art Basel, August recess, July and September to set the tentative/final millage and the budget approval process, and if an election year then November for election/runoff election meetings, and finally Federal and Religious Holidays. Considering the above it is difficult to always schedule meetings on the same Wednesday of the month.

In preparing the Commission Meeting calendar the Administration established four (4) goals:

**Goal 1:** Schedule one regular Commission Meeting and one alternate meeting day (time to be determined) a month with the exception of July, and November of an election year;



- Goal 2:** Provide the City Commission flexibility in controlling the length of meeting, and the use of alternate meeting as a workshop, retreat, special meeting that may be desired, or be cancelled;
- Goal 3:** Continue to schedule meetings around major events and holidays;
- Goal 4:** Consider the Land Use Boards meeting schedule.

The Neighborhood/Community Affairs Committee met on March 29, 2005 and made a motion to accept the newly revised Commission Meeting schedule.

For your review, attached is a list showing the Commission meeting dates and the pre-scheduled alternate meeting dates. There is a change in the Commission Meeting in May from May 25 to May 18. The May 4 Commission date is cancelled, and the May 25 date, will now be an alternate Commission Meeting. Additionally, there will be an alternate Commission Meeting scheduled for September 14, October 26 and December 14.

### **CONCLUSION**

Based upon the action taken by the Neighborhood/Community Affairs Committee, the Administration recommends that the Mayor and City Commission approve changing the Commission Meeting dates, which will offer the City Commission additional options.

JMG/REP

Attachment

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## ATTACHMENT 1

### CITY OF MIAMI BEACH

#### 2005 CITY COMMISSION MEETINGS

##### Commission Meetings

##### "Alternate" Commission Meetings

January 12 (Wednesday)

February 2 (Wednesday)

February 23 (Wednesday)

March 16 (Wednesday)

April 20 (Wednesday)

~~May 4 (Wednesday)~~

May 18 (Wednesday)

May 25 (Wednesday)

June 8 (Wednesday)

July 6 (Wednesday)

July 27 (Wednesday)

September 7 (Wednesday)

September 14 (Wednesday)

October 19 (Wednesday)

October 26 (Wednesday)

November 2\* (Wednesday)

November 16\* (Wednesday)

December 7 (Wednesday)

December 14 (Wednesday)

\* Election related items only.

## **RESOLUTION TO BE SUBMITTED**

## R7 - Resolutions

- R7I A Resolution Authorizing The Administration To Continue With The Construction Scope Of Work Of The Pool Portion Of The Normandy Isle Park And Pool Project, Independently From The Performance Bond Claim To The St. Paul Guardian Insurance Companies, Regosa Engineering's Surety Company; And Appropriating \$1,119,418 From 2% Resort Tax Contingency From Incentive Savings To Provide Sufficient Funding To Complete The Project.

(Capital Improvement Projects)

**(Memorandum and Resolution to be Submitted in Supplemental)**

AGENDA ITEM R7I  
DATE 4-20-05

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## R7 - Resolutions

- R7J A Resolution Appropriating \$537,990 From Series 2000 Stormwater Bond Interest Funds; Appropriating \$150,000 From The 1999 General Obligation Bond Fund (Previously Allocated For The Shane Watersports Center); And If Approved By The US Department Of Housing And Urban Development (HUD), Reallocating The Unspent Portion Of The US Department Of Housing And Urban Development (HUD) Grant Through Florida International University (FIU) Originally Allocated For The North Shore Park And Youth Center Concession Stand, To Provide Sufficient Funding To Complete The Park Portion Of The Normandy Isle Park And Pool Project.

(Capital Improvement Projects)

**(Memorandum and Resolution to be Submitted in Supplemental)**

AGENDA ITEM R7J  
DATE 4-20-05

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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

Resolution approving the Preliminary Plans And Specifications submitted by the JCC on February 8, 2005, as recommended by the Neighborhood/Community Affairs Committee, although materially inconsistent with the original Concept Plan contained in the Amended And Restated/Consolidated Lease Agreement by and between the City and the JCC for the City-owned property located At 4221-29 Pine Tree Drive; further authorizing the City Manager to execute all proprietary documentation related to the JCC's application to the City's Design Review Board, as required.

**Issue:**

Should the Mayor and City Commission adopt the Resolution, in accordance with the Neighborhood/Community Affairs Committee's recommendation?

**Item Summary/Recommendation:**

On June 3, 1981 the City first leased to the JCC the property at 4221 Pine Tree Drive. The Lease was subsequently amended on several occasions, the last of which was on October 13, 2004, whereby the Mayor and City Commission approved a 2nd Amendment to the Amended and Restated/Consolidated Lease Agreement. The term of the Lease, as extended runs through 2099 and provides that the JCC invest in major capital improvements on the Premises, and provides that the JCC submit Plans for same to the City for its proprietary review and make application to the City's Design Review Board (DRB). The JCC newly submitted Preliminary Plans and Specifications (Plans) on February 8, 2005, for the City's proprietary review. The Lease provides that in the event the City Manager finds that said Plans are materially inconsistent with the original Concept Plan provided in the Lease, then in that event the City Manager shall forward same to the Mayor and City Commission for discussion. The Plans reflect a reduction in the space available for "field sports", open recreation space and have been found to be materially inconsistent with the original Concept Plan, and as such the matter should be referred to the Neighborhood/Community Affairs Committee. On March 16, 2005, the Administration recommended that the Mayor and City Commission adopt the Resolution affirming the City Manager's finding and refer the item. The item was referred. On March 29, 2005, the JCC presented its Preliminary Plans and Specifications to the Committee, at which time the Administration shared its concerns that the Plans, as currently proposed, reflected a reduction of recreational open space when compared to the originally approved Concept Plan, and further expressed concern of the possible impact to the residential neighborhood to the north of the Property. The Committee moved to approve the item and send it back to the Mayor and City Commission for discussion, and requested that the JCC evaluate and provide a cost estimate for an alternative underground parking scenario, so as to preserve and/or maximize the amount of recreational open space on the Property.

If the Mayor and City Commission adopt the attached Resolution accepting the Neighborhood/Community Affairs Committee recommendation to approve the Preliminary Plans and Specifications, authorize the City Manager to execute any and all proprietary documentation, related to the JCC's application to the City's Design Review Board, as may be required.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:		Amount	Account	Approved
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	2			
	3			
	4			
	<b>Total</b>			

**City Clerk's Office Legislative Tracking:**

Jose Damien

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM

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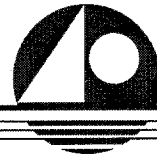
DATE

4-20-05



# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.us



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE PRELIMINARY PLANS AND SPECIFICATIONS SUBMITTED BY THE MIAMI BEACH JEWISH COMMUNITY CENTER, INC. (JCC) ON FEBRUARY 8, 2005, AS RECOMMENDED BY THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE ON MARCH 29, 2005, ALTHOUGH MATERIALLY INCONSISTENT WITH THE ORIGINAL CONCEPT PLAN CONTAINED IN THE AMENDED AND RESTATED/CONSOLIDATED LEASE AGREEMENT BY AND BETWEEN THE CITY OF MIAMI BEACH AND THE JCC FOR THE CITY-OWNED PROPERTY LOCATED AT 4221-29 PINE TREE DRIVE, MIAMI BEACH, FLORIDA; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL PROPRIETARY DOCUMENTATION, ON BEHALF OF THE CITY, RELATED TO THE JCC'S APPLICATION TO THE CITY'S DESIGN REVIEW BOARD, AS MAY BE REQUIRED**

### **RECOMMENDATION:**

Consider the recommendation of the Neighborhood/Community affairs Committee.

### **ANALYSIS:**

**Original Lease:** On June 3, 1981 the City first leased to the Jewish Community Centers of South Florida, Inc., City property at 4221 Pine Tree Drive, also known as lots 5, 6 and 7 of Flamingo Bay Subdivision, as recorded in Plat Book 6 at Page 101 of the public records of Miami-Dade County, Florida. (Resolution 81-16678).

**Lease, as Amended and Extended** The lease was amended and extended on three occasions, such that the lease term extended through to October 31, 2015, with two additional ten-year options, and was assigned to Miami Beach Jewish Community Center, Inc., a not-for-profit corporation (Resolutions 84-17863, 85-18280, and 88-19226).

**Amended and Restated/Consolidated Lease:** On July 12, 2000, the Mayor and City Commission adopted Resolution No. 2000-23994 approving an Amended and Restated/Consolidated Lease Agreement, subject to referendum (subsequently approved by voters at a November 7, 2000, Special Election), which incorporated the following:

1. Term was extended for 99 years, to 2099.
2. Permitted uses would include recreational, cultural, educational, social service and minor and incidental religious uses.
3. Provided for payment of fair market value and appraisal methodology for the area to be used for religious services and use fees for expanded religious uses limited to a maximum of 10 holidays per year.
4. Set forth construction parameters, specifically addressing review requirements (including Design Review Board review and approval), construction commencement and completion deadlines, and required a minimum initial investment of \$2 million in improvements for which a building permit must be issued within five (5) years from the commencement of the Lease, subject to reasonable extensions.
5. Construction which was previously restricted to two (2) lots would be permitted on all three (3) lots, in accordance with the concept plan.
6. In the event the required referendum failed, the lease would revert to the previously existing lease term.
7. JCC agreed to indemnify, defend and hold the City harmless in the event of challenges to the lease and referendum.
8. By separate agreement, the JCC agreed to hold harmless, indemnify and defend the City from challenges related to the Lease and referendum, from the time of the adoption of the subject resolutions, and reimburse the City for all costs associated with the referendum.

The referendum appeared on the November 7, 2000, ballot, and was approved by the respective voters.

First Amendment to the Amended and Restated/Consolidated Lease: In accordance with Section 15.5 of the Lease Agreement (see item 4 above), the JCC was required to present the City with Preliminary Plans and Specifications (Plans), and make application to the City's Design Review Board (DRB) for approval of same, no later than November 8, 2003.

In a letter dated October 3, 2003, attorney Jeffrey Bercow, on behalf of the JCC, cited that after meeting with the City Commission's Neighborhood Committee, the JCC leadership opted to withhold submittal of the Plans to the DRB in order to ensure that they would have the financial resources to deliver the improvements depicted by said Plans and respective specifications. The letter also reflected that the JCC had since met with potential donors and begun the fundraising process, but would like to be confident that the development plan it presents the City is financially feasible, and as such sought additional time to present the City with the "Preliminary Plans and Specifications" and apply for DRB approval as required under the Lease.

To that end, the JCC formally requested that the City consider amending the Lease Agreement by modifying Section 15.5 thereof by extending, by a one (1) year period, the date by which the JCC must apply for DRB approval. On October 13, 2003, the Mayor and City Commission adopted Resolution No. 2003-25363, extending the previously existing deadline for submission to the DRB, from November 8, 2003 to November 8, 2004, in order to allow the JCC sufficient time to secure the necessary financial backing to ensure that the proffered plan may be fully developed. Said Resolution also served to amend and clarify that section of the Lease that defines the "Commencement Date",

which had not been previously filled-in in the Agreement, establishing the Commencement Date as November 8, 2000 (the day after the referendum that approved the Lease).

**Proposed Second Amendment to the Amended and Restated/Consolidated Lease:**

In September 2004, the JCC met with the City Administration on two separate occasions, once with Planning Department staff to review the most recently submitted Preliminary Plans from a regulatory perspective, and the second time with the Administration to review same from a proprietary perspective. The Plans, as submitted, were deemed to be inconsistent with the Concept Plan, by the Administration. Planning Department staff made preliminary recommendations to the JCC, with regard to the siting of certain building components, which would be in keeping with the intent of the original Concept Plan, by allowing for a more defined view corridor from Pine Tree Drive, east, towards the Indian Creek Waterway. The City and JCC agreed to continue working towards a mutually acceptable set of Preliminary Plans and Specifications, in accordance with the Planning Department's preliminary recommendations.

In light of a then pending deadline of November 8, 2004, requiring the JCC to submit Preliminary Plans and Specifications to the DRB, and in order to address the Plan's inconsistencies with the original Concept Plan, the JCC requested to extend several currently existing deadlines included in the following sections of the First Amendment to the Amended and Restated/Consolidated Lease:

<b>Para</b>	<b>Item Description</b>	<b>Original</b>	<b>As Amended Previously</b>	<b>Currently</b>
15.4	City Proprietary Review (Preliminary Plans)	Nov 8, 2003	Nov 8, 2004	Feb 8, 2005
15.5	DRB submittal (Preliminary Plans)	Nov 8, 2003	Nov 8, 2004	May 6, 2005
15.7	City Proprietary Review (Construction Plans)	Nov 8, 2005	Nov 8, 2005	12 months from DRB approval
15.8	Obtain Building Permits	Nov 8, 2005	Nov 8, 2005	Nov 8, 2006
15.11	Construction Commencement	Nov 8, 2005	Nov 8, 2005	Jan 7, 2007
15.12	Construction Completion	Nov 8, 2007	Nov 8, 2007	Nov 8, 2008

Additionally, and in furtherance to the City's and JCC's mutual goal to ensure that the timely processing and completion of the proposed project is diligently pursued, the JCC agreed to provide the City, along with the Preliminary Plans and Specifications, a funding plan reflecting that the JCC will have sufficient funds to timely commence and complete construction, and prior to commencement of construction shall submit evidence satisfactory to the City Manager that said funding and/or construction financing commitments are in place, as same is reflected in Paragraphs 15.4 and 15.8, respectively.

On October 13, 2004, the Mayor and City Commission adopted Resolution 2004-25720 approving a Second Amendment to the Amended and Restated/Consolidated Lease Agreement, between the City and the JCC, to extend the time periods for the JCC to apply to the City's Design Review Board, submit plans for the design of the proposed improvements to the property, to obtain building permits and to complete construction of the proposed improvements (as provided in the above proposed schedule), and amending other provisions of the agreement as are appropriate under the circumstances.

On February 8, 2005, the JCC submitted to the City Manager, a new set of Preliminary Plans for the City's proprietary review. The Administration has concluded that said Plans are materially inconsistent with the original Concept Plan, and as such, and in accordance with the provisions of the Lease Agreement, the City Manager is required to forward same to the Mayor and City Commission for discussion.

The Plans, as submitted, reflect an increase in the total area encumbered by physical improvements, and there is some concern as to the amount of open space which would remain available for outdoor "field sport" activities and unobstructed recreational open space, and the possible impact to the immediately adjacent single family residential district directly to the north of the Property.

On March 16, 2005, the Administration recommended to the Mayor and City Commission, that the City Manager's finding that the newly submitted Preliminary Plans and Specifications were inconsistent with the originally submitted Concept Plan, be affirmed, and that the matter be referred to the Neighborhood/Community Affairs Committee for review and discussion of the proposed changes. The Mayor and City Commission referred the matter to the Neighborhood/Community Affairs Committee.

On March 29, 2005, the JCC presented its Preliminary Plans and Specifications to the Neighborhood/Community Affairs Committee. The Administration shared its concerns with the Committee, that the Plans, as currently proposed, reflected a reduction of recreational open space when compared to the originally approved Concept Plan, especially in light of overall deficiencies in large active recreational open space areas available in the City. At the current time, an opportunity exists to maintain significant active recreational open space areas, which will be diminished if the pending Plan is approved as presented by the JCC. Further exploration of development options, such as relocating certain components of the Plan to another part of the property, or an alternative underground parking scenario, may provide better open-space opportunities in the area.

The Administration further expressed concern of the possible impact to the residential neighborhood to the north of the Property, due to the proximity of certain proposed improvements and overall scale of the project. The Committee, after review and discussion, moved to approve the item and send it back to the Mayor and City Commission for discussion, and requested that the JCC evaluate and provide, at the April 20, 2005 Commission meeting, a cost estimate for an alternative underground parking scenario so as to preserve and/or maximize the amount of recreational open space on the Property.

If the Mayor and City Commission adopt the attached Resolution accepting the Neighborhood/Community Affairs Committee recommendation to approve the Preliminary Plans and Specifications submitted by the Miami Beach Jewish Community Center, Inc. (JCC) on February 8, 2005, authorize the City Manager to execute any and all proprietary documentation, on behalf of the City, related to the JCC's application to the City's Design Review Board, as may be required.

JMG:TH:JD:rd

F:\DDHP\ASSET\4221\PINE\JCC\4221\PreliminaryPlansApproval\MEM.doc

**RESOLUTION NO: \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE PRELIMINARY PLANS AND SPECIFICATIONS SUBMITTED BY THE MIAMI BEACH JEWISH COMMUNITY CENTER, INC. (JCC) ON FEBRUARY 8, 2005, AS RECOMMENDED BY THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE ON MARCH 29, 2005, ALTHOUGH MATERIALLY INCONSISTENT WITH THE ORIGINAL CONCEPT PLAN CONTAINED IN THE AMENDED AND RESTATED/CONSOLIDATED LEASE AGREEMENT BY AND BETWEEN THE CITY OF MIAMI BEACH AND THE JCC FOR THE CITY-OWNED PROPERTY LOCATED AT 4221-29 PINE TREE DRIVE, MIAMI BEACH, FLORIDA; FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL PROPRIETARY DOCUMENTATION, ON BEHALF OF THE CITY, RELATED TO THE JCC'S APPLICATION TO THE CITY'S DESIGN REVIEW BOARD, AS MAY BE REQUIRED**

**WHEREAS**, on June 3, 1981 the City first leased to the Jewish Community Centers of South Florida, Inc., the City property located at 4221 Pine Tree Drive, also known as lots 5, 6 and 7 of Flamingo Bay Subdivision, as recorded in Plat Book 6 at Page 101 of the public records of Miami-Dade County, Florida. (Resolution 81-16678); and

**WHEREAS**, the lease was amended and extended on three occasions, such that the lease term extended through to October 31, 2015, with two additional ten-year options, and was assigned to Miami Beach Jewish Community Center, Inc., a not-for-profit corporation (Resolutions 84-17863, 85-18280, and 88-19226); and

**WHEREAS**, on July 12, 2000, the Mayor and City Commission adopted Resolution No. 2000-23994 approving an Amended and Restated/Consolidated Lease Agreement, subject to referendum (subsequently approved by voters at a November 7, 2000, Special Election), which included a 99 year extension of the term to 2099, and modified the provisions related to the design and construction of improvements on the Property, including deadlines for submissions of plans to the City for its proprietary review, as well as Design Review Board (DRB) review; and

**WHEREAS**, on October 13, 2003, the Mayor and City Commission adopted Resolution No. 2003-25363, approving a First Amendment to the Amended and Restated/Consolidated Lease Agreement, extending the previously existing deadline for submission to the DRB, from November 8, 2003 to November 8, 2004, in order to allow the JCC sufficient time to secure the necessary financial backing to ensure that the proffered plan may be fully developed; and

**WHEREAS**, on October 13, 2004, the Mayor and City Commission adopted Resolution 2004-25720 approving a Second Amendment to the Amended and Restated/Consolidated Lease Agreement, extending the time periods for the JCC to apply to the City's Design Review Board, submit plans for the City's proprietary review of the design of the proposed improvements to the property, to obtain building permits and to complete construction of the proposed improvements, and amending other provisions of the agreement as appropriate under the circumstances; and

**WHEREAS**, on February 8, 2005, the JCC submitted to the City, a new set of Preliminary Plans and Specifications for the City's proprietary review, and it was concluded

that said Preliminary Plans and Specifications are materially inconsistent with the original Concept Plan, and as such, and in accordance with the provisions of the Lease Agreement, same are being forwarded to the Mayor and City Commission for discussion; and

**WHEREAS**, the Preliminary Plans and Specifications, as submitted, reflect a reduction in the amount of open space which would remain available for outdoor "field sport" activities and unobstructed recreational open space, and the possible impact to the immediately adjacent single family residential district directly to the north of the Property; and

**WHEREAS**, on March 16, 2005, the Administration recommended that Mayor and City Commission affirm the City Manager's finding that the newly submitted Preliminary Plans and Specifications are inconsistent with the originally submitted Concept Plan, and that the matter be referred to the Neighborhood/Community Affairs Committee for review and discussion of the proposed changes; and

**WHEREAS**, the Mayor and City Commission referred the matter to the Neighborhood/Community Affairs Committee which reviewed and discussed the Preliminary Plans and Specifications, as presented by the JCC, at their March 29, 2005 meeting, and after review and discussion moved to approve the item and send it back to the Mayor and City Commission for discussion, and requested that the JCC evaluate and provide a cost estimate for an alternative underground parking scenario, so as to preserve and/or maximize the amount of recreational open space on the Property.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH**, that pursuant to the recommendation of the Neighborhood/Community Affairs Committee on March 29, 2005, the Preliminary Plans and Specifications submitted by the Miami Beach Jewish Community Center, Inc. (JCC) on February 8, 2005, although materially inconsistent with the original Concept Plan contained in the Amended and Restated/Consolidated Lease Agreement by and between the City of Miami Beach and the JCC for City-owned Property located at 4221-29 Pine Tree Drive, Miami Beach, Florida, be approved; and that the City Manager be authorized to execute any and all proprietary documentation, on behalf of the City, related to the JCC's application to the City's Design Review Board, as may be required.

**PASSED AND ADOPTED THIS \_\_\_\_\_ day of April, 2005.**

Attest:

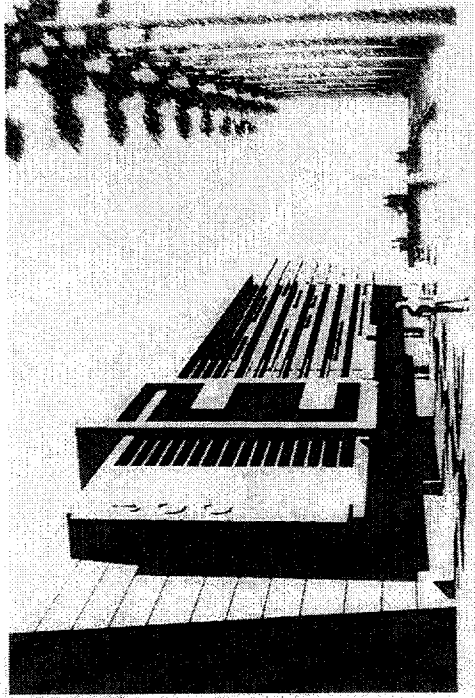
\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
CITY ATTORNEY 

4-13-05  
\_\_\_\_\_  
DATE



MIAMI BEACH JEWISH COMMUNITY CENTER

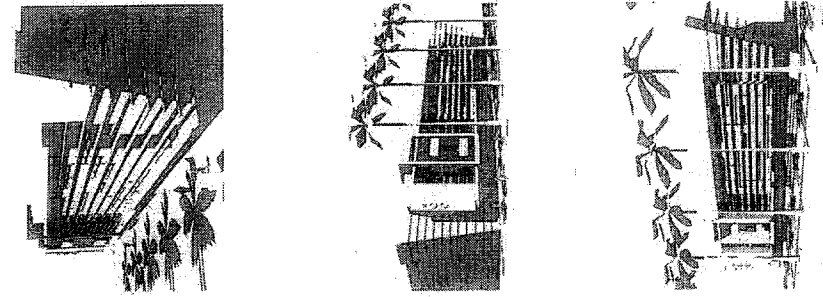
CITY COMMISSION SUBMISSION 02-2005

Our master plan campus reflects the organization of the space program projections (prepared by JCC consultant, Harry Rosen), the site constraints (City of Miami Beach zoning and land-use regulations), and the goals and objectives of the Jewish Community Center of Miami Beach (contained in the "Our Mission/Our Vision" statement).

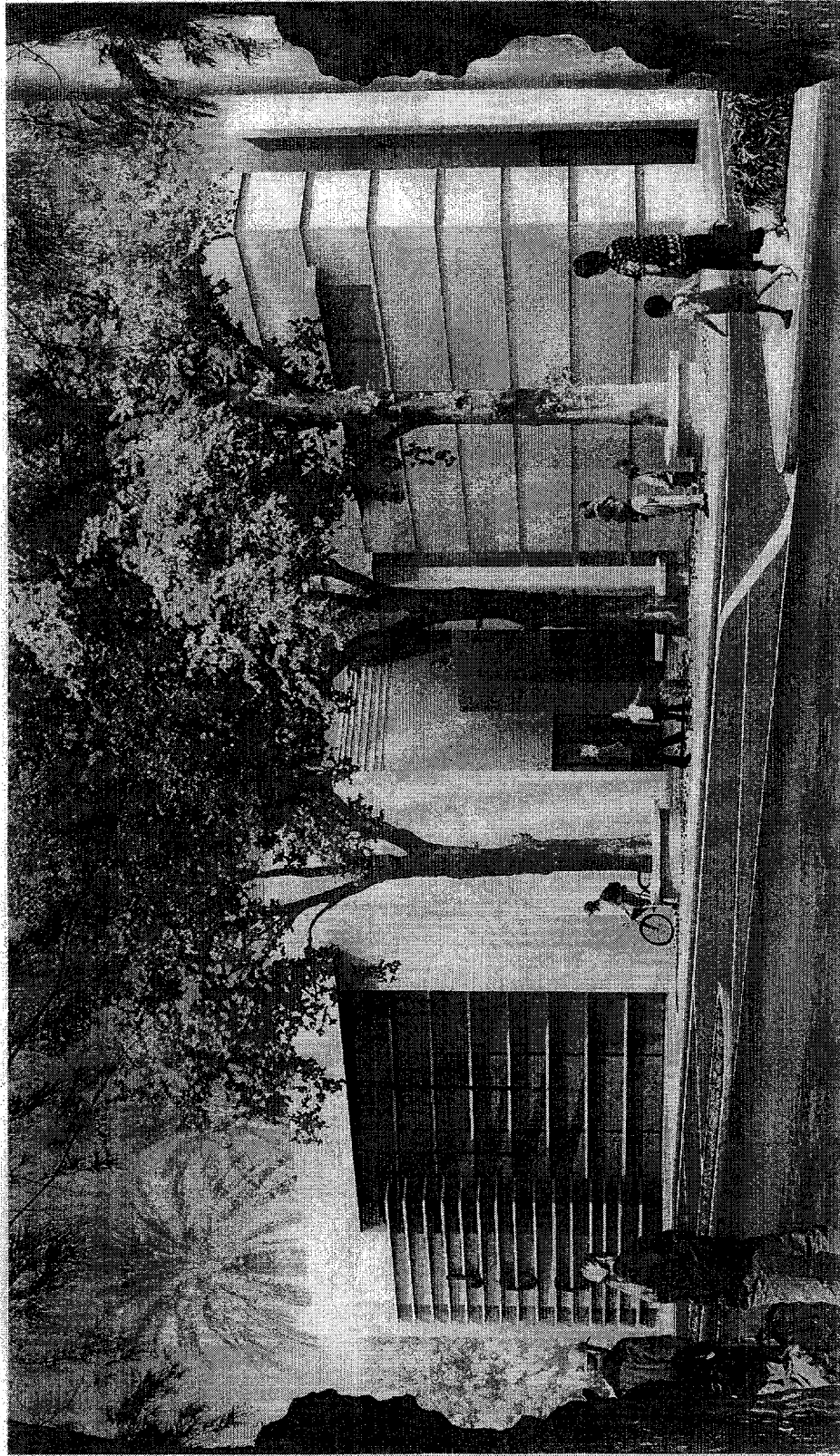
The program projections are grouped into the following areas of activities: Pre-school, Youth, Adults/Singles/Seniors, Health & Physical Fitness, Administrations, and General & Support Facilities. Careful attention has been placed upon the organization of spaces to insure a safe and secure environment without creating a fortress effect. The circulation passes through specific control points which then direct occupants to their designated areas. Some areas such as the Pre-school are autonomous from non-participants where other areas such as the library/gift shop and café are deliberately interfaced with the traffic of other activities.

The building was configured to minimize the impact of an institutional use along Pine-tree Drive. The street entry allows for convenient drop-off as well as on-site parking, while maintaining a balanced transition between the 41st Street commercial corridor and the single family residential character of the neighborhood to the north & west. The northern portion of the site is well buffered with proposed mature planting material. A service drive accesses the mechanical and maintenance areas located along the southern portion of the site that parallels the base of the seven story parking garage of the adjacent high-rise apartment building. The building optimizes the panoramic views along Indian Creek for the Fitness Center activities such as the dance aerobics, gymnastics, gym & fitness equipment on the first two levels and the social hall and rooftop terraces on the third level. The pool and surrounding deck spans the full 300' length of the waterfront.

Our architectural design emphasizes clean contemporary geometries with covered corridors and open courtyards. The fenestration captures large quantities of natural light throughout the classrooms, meeting rooms and administrative offices. Exterior materials range from split stone to smooth stucco masonry walls, glass block and metal louvered screenwalls. Our architectural solution of the Center is molded by the context of the surrounding neighborhood and its function as a municipal facility, designed to provide exemplary activities and services, promoting Jewish culture and values, within our community.

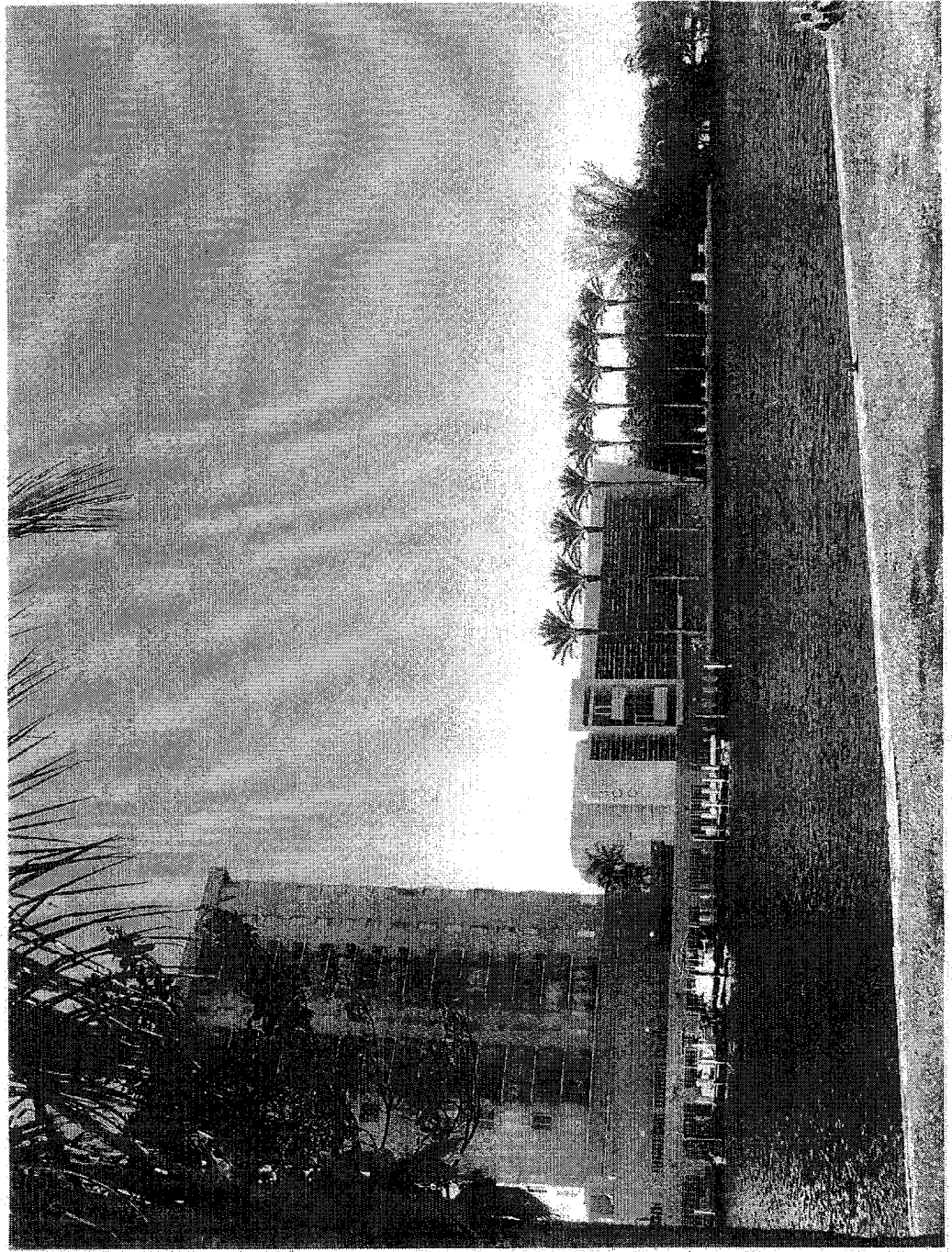






PERSPECTIVE FROM PINE TREE DRIVE

CITY COMMISSION SUBMISSION 02-2005



ADDRESS:	4221-4223 Pinecone Drive Miami Beach, FL
LOT AREA:	417' 440" (423' avg.) x 300' = 128,842 S.F.
LEGAL DESCRIPTION:	Lot 5 & 6, 87, Flamingo Bay Subdivision, Plat Book 6, Page 101, Miami-Dade County, FL
CLASSIFICATION:	GU - Government Use Between RM-3 & RS-1
USE:	Institutional - Community Center
PAR:	Proposed: 64,418 S.F. Regulated: 64,421 S.F. MAX. (54,280,842 S.F.)
MIN. LOT AREA:	128,842 S.F.
MIN. LOT WIDTH:	300'
MAX. BLDG. HEIGHT:	45'
SETBACKS:	Front: 20' North Interior Side: 114.75' South Interior Side: 24' Rear: 30'
	Accessory Structures within Rear Yard: Area: 30% (15,000 S.F.) Setbacks: 7.5' rear & sides Pool: 7.5' rear & sides
PARKING:	56 spaces
	58 spaces
Classroom Office Administration Assembly Total:	1400 SF = 5 spaces 1700 SF = 21 spaces 1400 SF = 21 spaces 1400 SF = 21 spaces Total: 56 spaces

ALL DIMENSIONS - 30.00'	30.00'	30.00'	30.00'
BLDG. FOOTPRINT	30,274	30.00'	30.00'
TOTAL OPEN AREA	20,568	30.00'	30.00'
RECREATION/OPEN SPACE	11,312	30.00'	30.00'
VEHICULAR OPEN SPACE	23,000	30.00'	30.00'
TOTAL LOT OPEN SPACE	34,312	30.00'	30.00'
ADJUSTED GRADE LANDSCAPE TERRAZZED AREAS	4,585	30.00'	30.00'
SECOND FLOOR	1,128	30.00'	30.00'
THIRD FLOOR	1,128	30.00'	30.00'
TOTAL OPEN RECREATION/OPEN SPACE	4,218	30.00'	30.00'

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SITE DATA / LOT COVERAGE

CITY COMMISSION SUBMISSION 02-2005

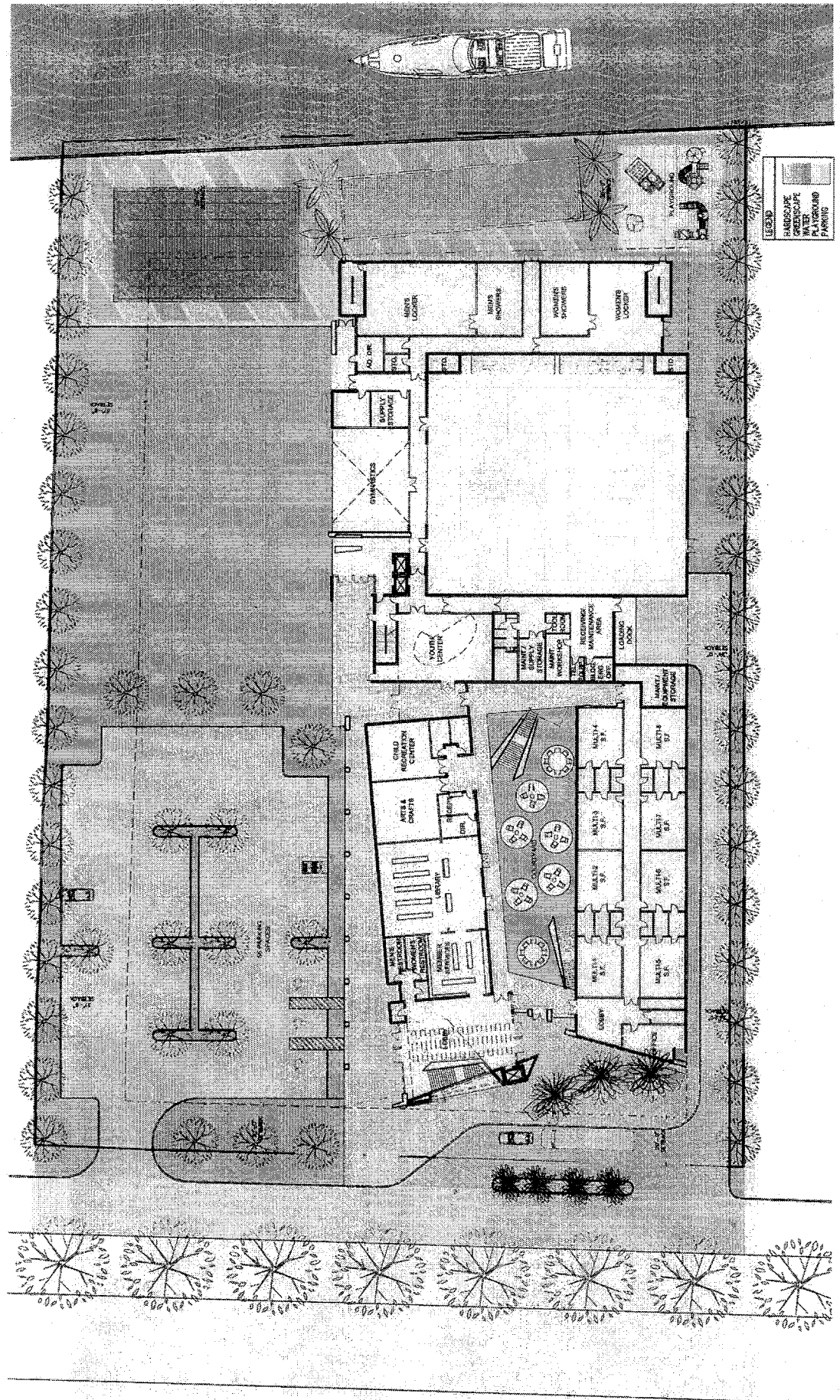
NTS.

BUILDING DATA - AREA CALCULATION

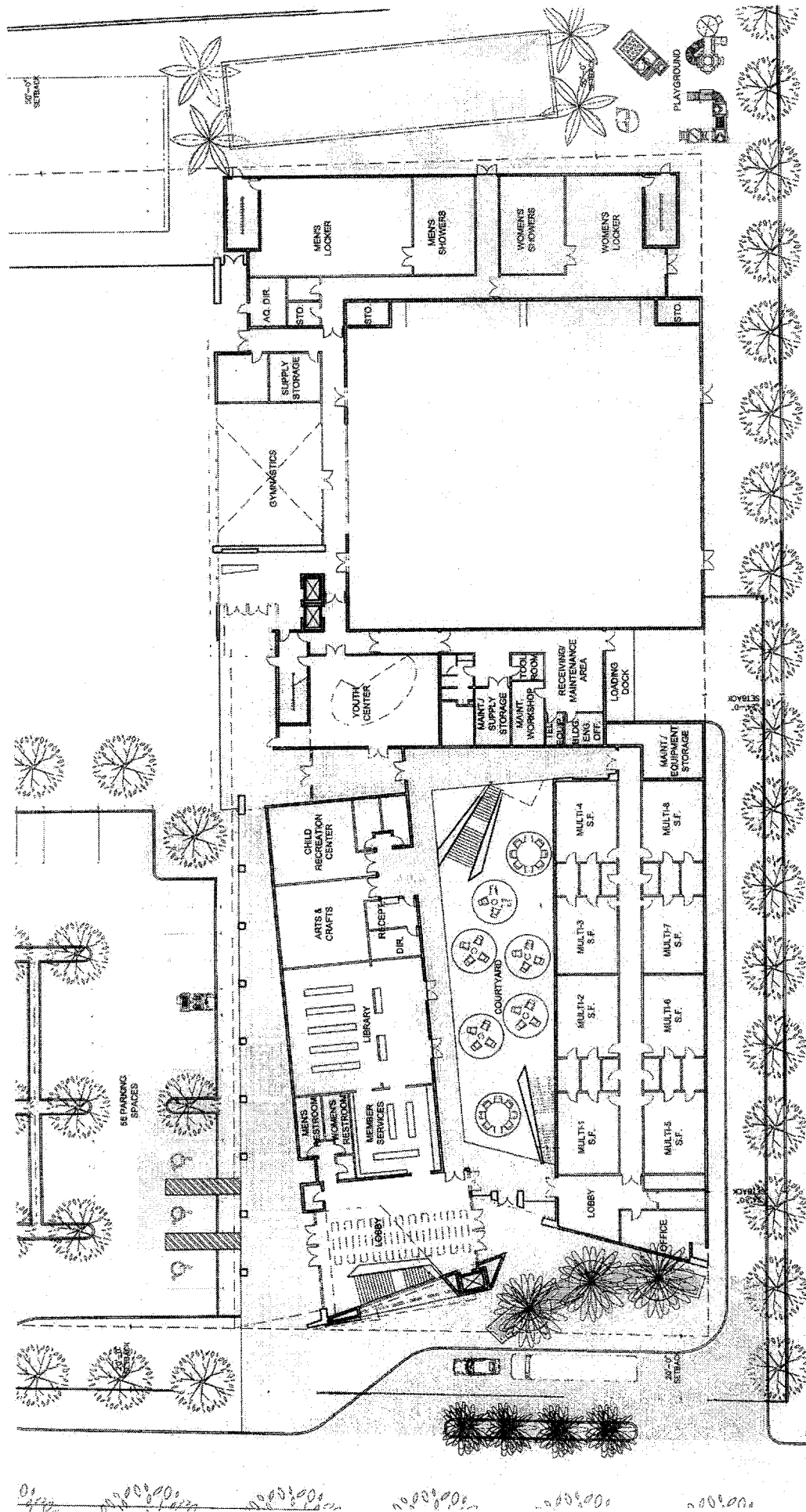
	GROUND FLOOR	SECOND FLOOR	THIRD FLOOR	TOTAL
GENERAL	5,191	967	494	6,652
CHILDREN	729			4,823
YOUTH	2,048	1,059		3,107
ADULT	1,787	2,186		3,973
ADMINISTRATION	1,930	2,593		4,523
MAINTENANCE	3,613	435	641	4,689
FITNESS	12,676	6,345		19,021
CIRCULATION	7,208	3,753	2,538	13,497
MULTI-PURPOSE	4,094		4,668	4,668
TOTAL:	39,274	17,338	8,341	64,953
TERRACES/ BALCONIES		4,535	1,720	6,255

ALL NUMBERS = S.F.





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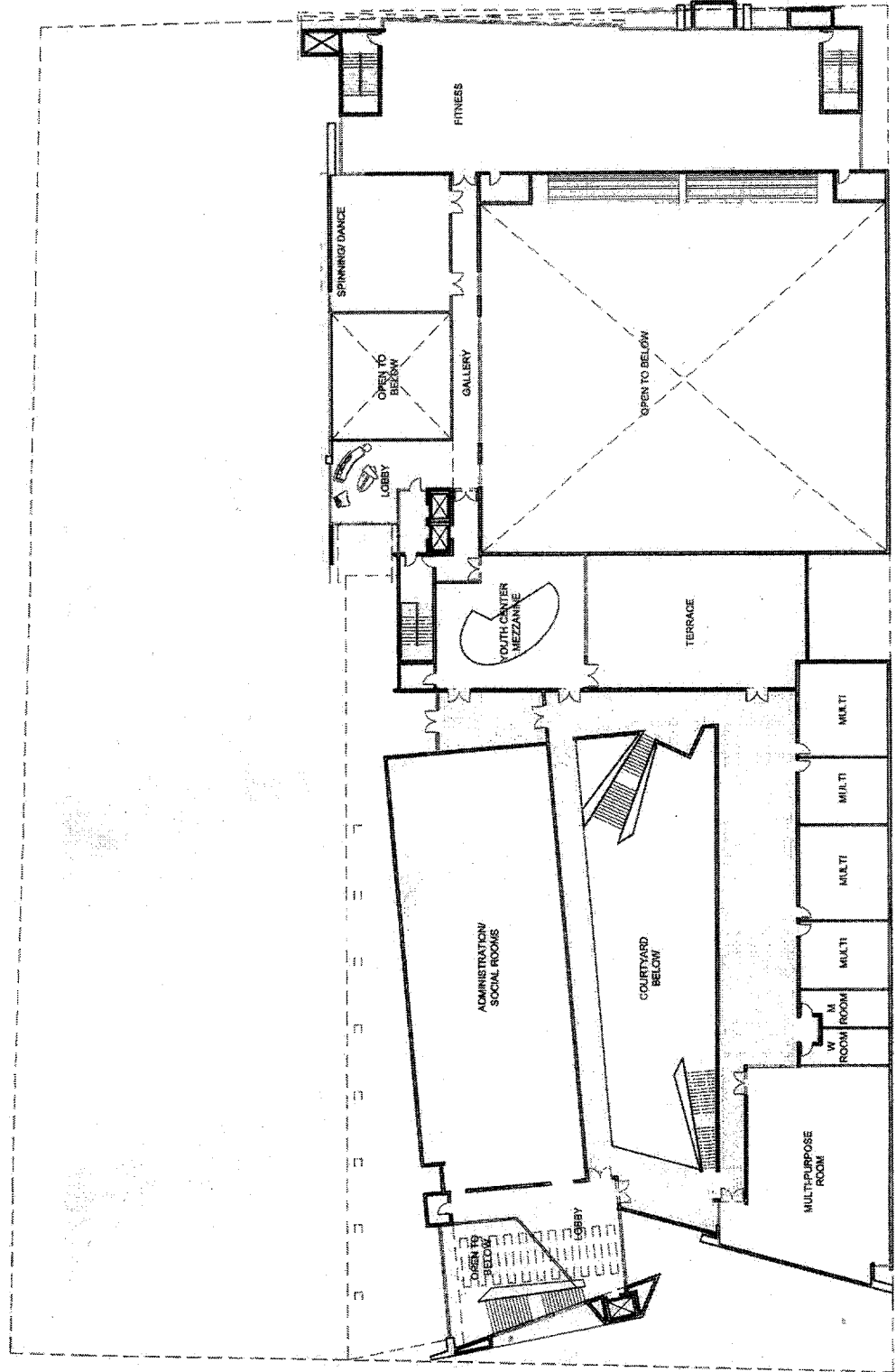


FIRST FLOOR  
1" = 30'-0"

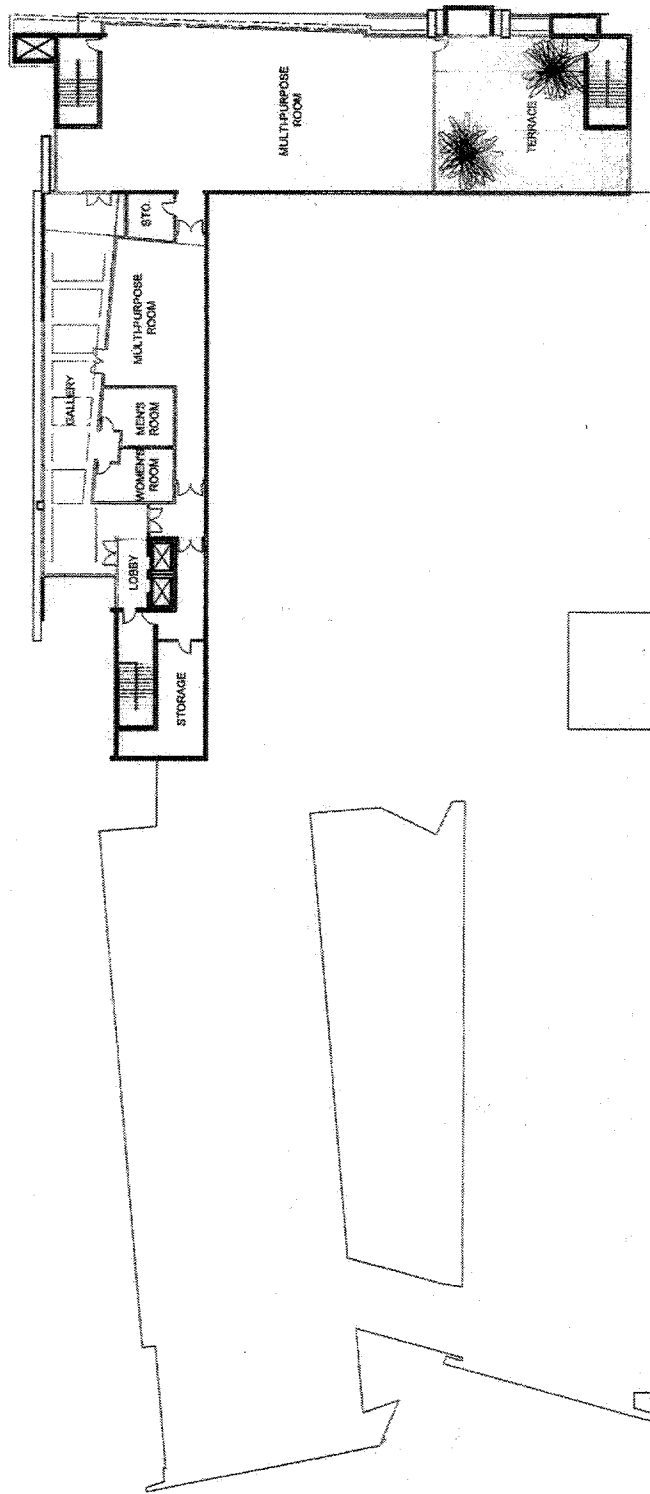
CITY COMMISSION SUBMISSION 02-2005

STA ARCHITECTURAL GROUP

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THIRD FLOOR

1"=30'-0"

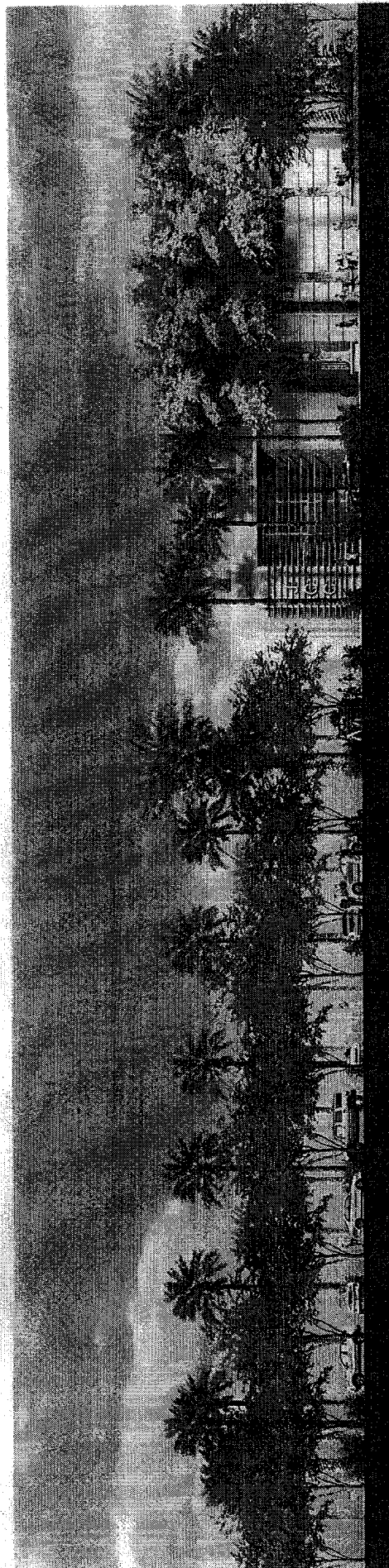
CITY COMMISSION SUBMISSION 02-2005



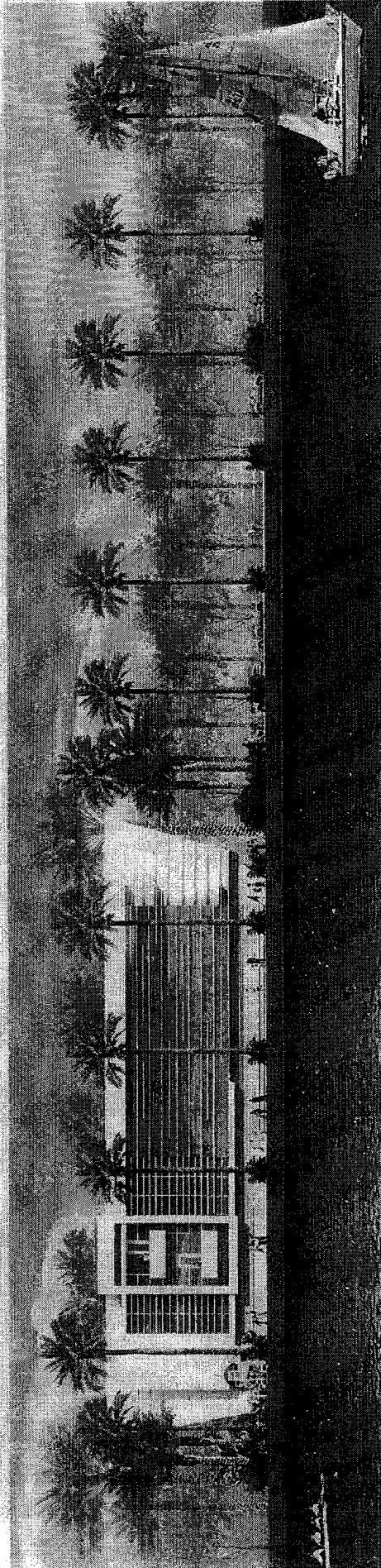
STA ARCHITECTURAL GROUP



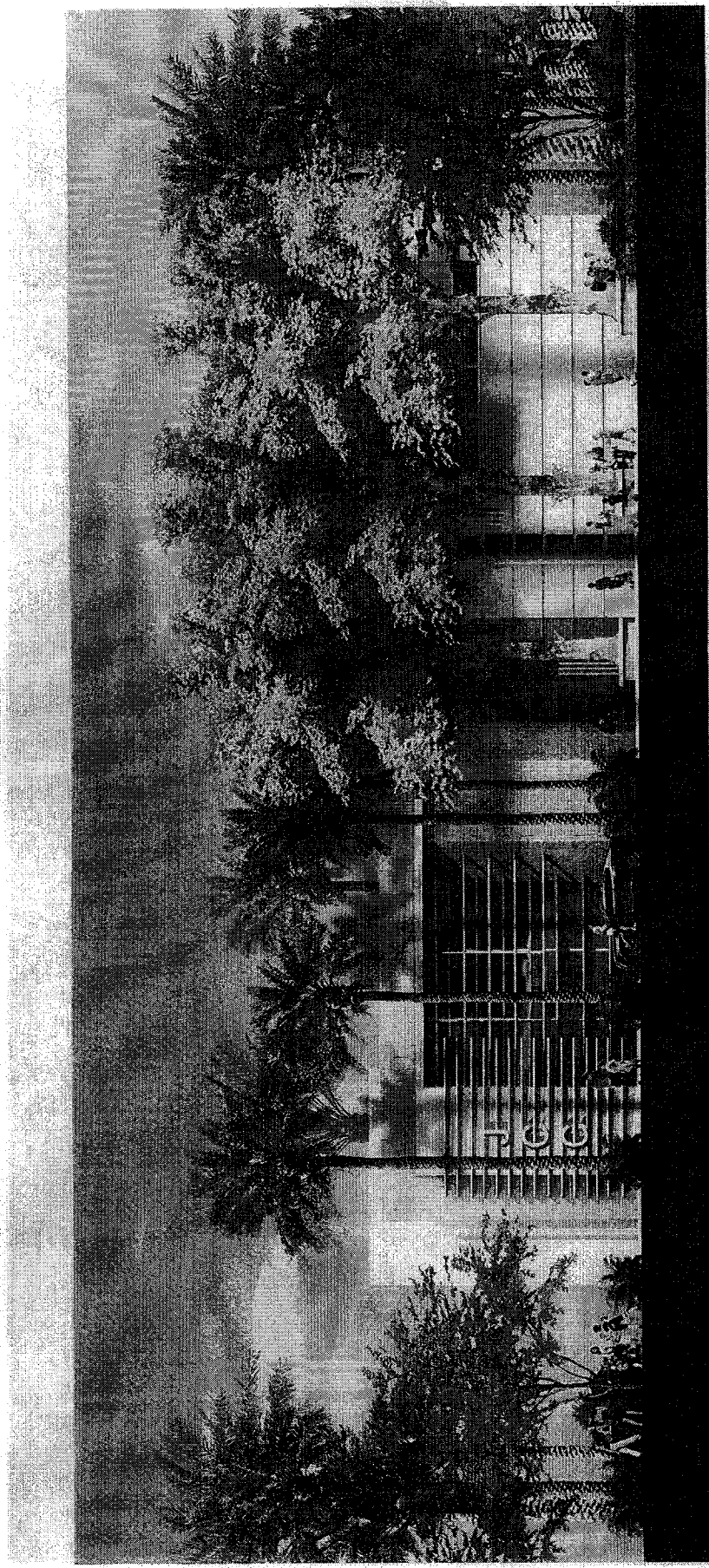




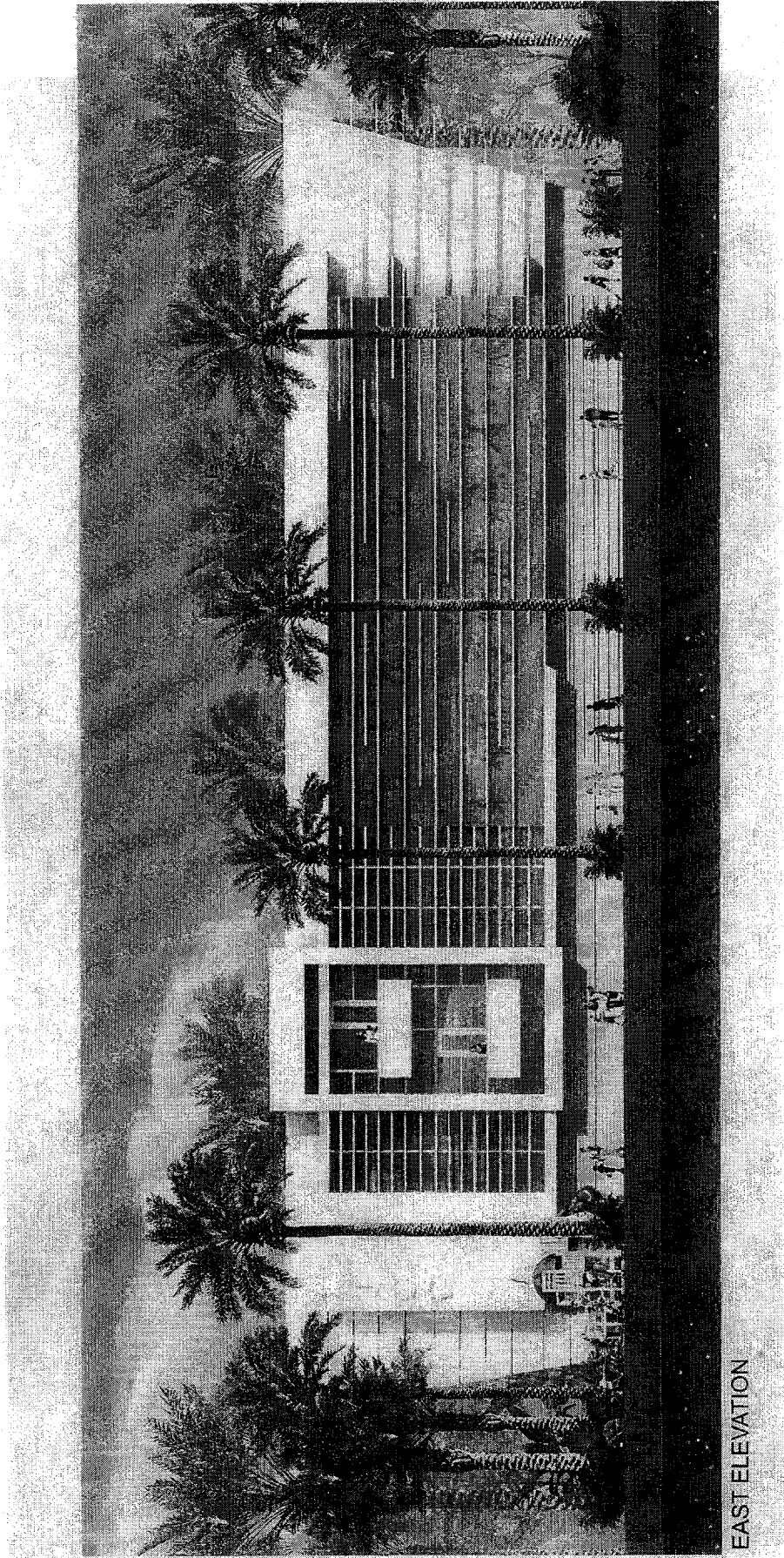
WEST ELEVATION



EAST ELEVATION



WEST ELEVATION



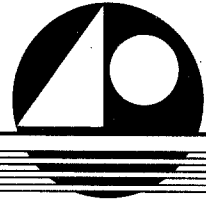
EAST ELEVATION

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**R9  
New Business  
And  
Comm. Requests**

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



OFFICE OF THE CITY CLERK

CITY HALL  
1700 CONVENTION CENTER DRIVE  
TELEPHONE: 673-7411

## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** BOARD AND COMMITTEES

### BACKGROUND:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

### ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

### VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Art in Public Places	7	City Commission	1	Page 1
Beach Preservation Board	10	Commissioner Jose Smith	1	Page 3
Board of Adjustment	7	City Commission	1	Page 5
Community Development Advisory Committee	14	Commissioner Jose Smith Commissioner Matti H. Bower Mayor David Dermer	1 1 1	Page 9
Golf Advisory Committee	12	Commissioner Luis R. Garcia, Jr.	1	Page 15

**AGENDA ITEM**  
**DATE**

129A  
4-20-05



## VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Health Facilities Authority Board	6	City Commission	1	Page 17
Hispanic Affairs Committee	7	Commissioner Luis R. Garcia, Jr.	1	Page 18
		Commissioner Matti H. Bower	1	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	
Historic Preservation Board	7	City Commission	1	Page 19
Housing Authority	5	Mayor David Dermer	1	Page 20
Loan Review Committee	7	Commissioner Saul Gross	1	Page 21
Miami Beach Commission on Status of Women	21	Commissioner Jose Smith	1	Page 23
Oversight Committee for General Obligation Bond	13	City Commission	1	Page 27
Parks and Recreational Facilities Board	10	Commissioner Jose Smith	1	Page 28
Planning Board	7	City Commission	1	Page 30

Attached is breakdown by Commissioner or City Commission:

JMG:REP/lg

## **NON-CITY COMMISSION COMMITTEES**

### **Commissioner Matti Herrera Bower**

- **Miami Beach Transportation Management Association (TMA)**
- **Dade Cultural Alliance**
- **Tourist Development Council**
- **Performing Arts Center Trust (PACT)**

### **Commissioner Luis R. Garcia, Jr.**

- **Unclassified Employees and Elected Officials Retirement System**
- **Greater Miami Convention and Visitors Bureau**

### **Commissioner Jose Smith**

- **Metropolitan Planning Organization**

### **Commissioner Richard L. Steinberg**

- **Miami-Dade County Homeless Trust Board - Appointed by Miami-Dade League of Cities**
- **Miami-Dade League of Cities**



# City Commission Committees


Committee	Position	First Name	Appointed by	Appointed
<b>Finance &amp; Citywide Projects Committee</b>				
	Liaison	Patricia Walker	Mayor Dermer	11/25/03
	Alternate	Commissioner Simon Cruz	Mayor Dermer	11/25/03
	Vice-Chair	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
<b>Land Use &amp; Development Committee</b>				
	Liaison	Jorge Gomez	Mayor Dermer	11/25/03
	Alternate	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03
	Chairperson	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
<b>Neighborhood/Community Affairs Committee</b>				
	Liaison	Vivian Guzman	Mayor Dermer	11/25/03
	Alternate	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03



C: Tim  
Max  
Lilia ✓

**CITY OF MIAMI BEACH  
OFFICE OF THE MAYOR & COMMISSION  
MEMORANDUM**

**TO: JORGE M. GONZALEZ  
CITY MANAGER**

**FROM: SIMON CRUZ**   
**COMMISSIONER**

**DATE: MARCH 21, 2005**

**RE: AGENDA ITEM**

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Please place on the April 20<sup>th</sup> City Commission Meeting my nomination of Jim Weingarten to the Art in Public Places Committee.

SC/ml

Agenda Item R9A1  
Date 4-20-05


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*cc: Lilia*

**CITY OF MIAMI BEACH**  
**OFFICE OF THE MAYOR & COMMISSION**  
**MEMORANDUM**

**TO:** JORGE M. GONZALEZ  
CITY MANAGER

**FROM:** DAVID DERMER  
MAYOR 

**DATE:** APRIL 4, 2005

**RE:** AGENDA ITEM

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Please place a discussion item for the April 20, 2005 commission meeting, to re-appoint Nancy Liebman to the Performing Arts Center Trust.

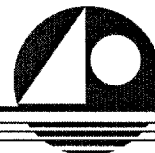
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2005 APR -5 PM 3:22  
CITY MANAGERS OFFICE  
BY \_\_\_\_\_

Agenda Item R9A2  
Date 4-20-05

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# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

*for*

**Subject: GENERAL OBLIGATION BOND OVERSIGHT COMMITTEE**

Pursuant to City Code Section **2-190.127**, "The Mayor and City Commission hereby establish a general obligation bond oversight committee **a)** comprised of two residents from the North Beach area, two residents from the Middle Beach area, two residents from the South Beach area, one member from the budget advisory committee, **one member from the planning board**, one member from the chamber of commerce, one member from the parking and transportation committee, **one member from the community development advisory committee**, one member from the city's historic preservation board and one member from the city commission for the purposes of providing guidance and assurance that the proposed general obligation bond funded projects are implemented in accordance with the project list approved by the mayor and city commission pursuant to Resolution No. 99-23299, 99-23300 and 99-23301 adopted on September 17, 1999, as the same may be amended from time to time, and **b) said appointments to be made by the city commission.**"

Subsection "b" states that the City Commission will appoint members to the General Obligation Bond Oversight Committee, including the appointment recommended by each of the following Boards or Committees: Budget Advisory Committee, **Planning Board**, Chamber of Commerce, Parking and Transportation Committee, **Community Development Advisory Committee**, and Historic Preservation Board.

The Planning Board and Community Development Advisory Committee, which are represented in the General Obligation Bond Oversight Committee, have selected their representative. Pursuant to City Code Section **2-190.127(b)**, the City Commission is the appointing body and the following recommendations are submitted for appointment consideration.

Planning Board - Joy Malakoff

Community Development Advisory Committee - Alex C. Annunziato

JMG/REP

T:\AGENDA\2005\Apr2005\Regular\Go Bond Oversight.doc

Agenda Item

R9A3

Date


4-20-05

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**CITY OF MIAMI BEACH**  
**OFFICE OF THE MAYOR & COMMISSION**  
**MEMORANDUM**

**TO: JORGE M. GONZALEZ**  
**CITY MANAGER**

**FROM: DAVID DERMER**  
**MAYOR** 

**DATE: APRIL 14, 2005**

**RE: AGENDA ITEM**

---

Please place on the April 20, 2005 City Commission Meeting, the nomination of Christina Cuervo as the North Beach Representative on the General Obligation Bond Oversight Committee.

Agenda Item R9A4  
Date 4-20-05



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## R9 - New Business and Commission Requests

R9B(1)	Dr. Stanley Sutnick Citizen's Forum.	(1:30 p.m.)
R9B(2)	Dr. Stanley Sutnick Citizen's Forum.	(5:30 p.m.)

AGENDA ITEM R9B1-2  
DATE 4-20-05

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C: MHD  
Lina

**CITY OF MIAMI BEACH**  
Office of the Mayor and Commission  
Memorandum

---

**To: JORGE M. GONZALEZ**  
**CITY MANAGER**

**From: MATTI H. BOWER**  
**COMMISSIONER**

**Date: March 22, 2005**

**Re: AGENDA ITEM- MODIFICATION TO DISTRICT COST**  
**DIFFERENTIAL COMPONENT OF THE FLORIDA EDUCATION**  
**FINANCE PROGRAM**

---

Please place the attached resolution on the agenda for discussion at the next City Commission Meeting.

**MHB/as**

BY  
CITY MANAGERS OFFICE

2005 MAR 22 PM 1:56

CEIVED

**Agenda Item**

R9C

**Date**

4-20-05



*giving our students the world*

**Superintendent of Schools**  
Rudolph F. Crew, Ed.D.

**Miami-Dade County School Board**

Frank J. Bolaños, Chair  
Dr. Robert B. Ingram, Vice Chair  
Agustin J. Barrera  
Evelyn Langlieb Greer  
Perla Tabares Hantman  
Dr. Martin Karp  
Ana Rivas Logan  
Dr. Marta Pérez  
Dr. Solomon C. Stinson

March 14, 2005

The Honorable Matti Herrera Bower  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, FL 33139

Dear Commissioner Bower:

The 2004 Florida Legislature passed a modification to the District Cost Differential (DCD) component of the Florida Education Finance Program (FEFP) formula which resulted in a reduction of funding to high-cost districts. The FEFP is the funding formula that funds public education in Florida. Since its inception in 1973, the formula has contained a variable to adjust each district's share of funding to reflect differing costs of living or price level differences faced by each school district's employees. In the past, the Florida Price Level Index was annually calculated by the Commissioner of Education measuring the cost of purchasing five specific market basket of goods and services in each county such as food, housing, transportation, apparel and health, recreation and personal services.

The modification to the calculation of the DCD was based on a report prepared by the University of Florida. In lieu of the traditional market basket of goods approach to determine differences in costs of living among Florida's 67 counties, the methodology uses average wages, excluding teachers, along with some "statistical smoothing." These modifications are referred as an Amenity-Adjusted Index.

The new Index is based on the premise that, even with higher costs of living, teachers will offer their services at lower salaries in order to remain in a high amenity community. Amenities are characterized as beaches, sunshine and nightlife. The modifications do not include teacher salaries in the computations because it was viewed as a variable which school boards could control through collective bargaining and potentially artificially increase in order to generate a higher DCD. The modifications are being phased in over a three-year period beginning with the current school year. This change will result in high cost districts losing millions of dollars that would have flowed to them under the traditional DCD. In year 1 of its implementation, 2004-2005, the District experienced a net loss of \$12.6 million. The initial loss was \$26.8 million, however, due to the leadership of the Miami-Dade County Legislative Delegation a hold harmless was applied mitigating the loss. If the policy continues as it currently exists, the District will lose \$58.6 million in year 2 (2005-2006), and \$102.7 million in year 3 (2006-2007).

Page 1 of 2

The modifications resulted in a fundamental fiscal policy shift which will have long range impact on the ability of high cost districts to provide an education for each of their students that is "equal" to that provided in lower cost districts. The Florida Constitution mandates that every child have access to an "equal" educational opportunity regardless of where he/she lives in the State. In order to provide equity of educational opportunity, as required, the funding formula, FEFP, was developed to recognize varying local property tax bases; varying program cost factors; varying costs of living; and varying costs due to sparsely dispersed student populations. To review one variable of the formula in isolation would compromise the equity of funding among the 67 school districts. The School Board of Miami-Dade County has filed a lawsuit against the Florida Legislature challenging the constitutionality of this modification.

I sincerely appreciate your commitment to the welfare and education of the children of this County and respectfully request that your governing body adopt the attached Resolution supporting the District's and the Miami-Dade Delegation's efforts in restoring equitable educational funding to Miami-Dade. Similar resolutions are currently being adopted by the Greater Miami Chamber of Commerce (GMCC) as well as a number of municipalities within Miami-Dade County. For your information, a Talking Points sheet is attached for use to present the Resolution. Additionally, staff is available to make a presentation to your governing body, if needed.

Should you have any questions or need additional information, please contact Mr. Alberto M. Carvalho, Associate Superintendent, Office of Intergovernmental Affairs and Grants Administration, at 305 995-2532.

Sincerely,



Rudolph F. Crew, Ed.D.  
Superintendent of Schools

RFC/AMC:lbd  
L1445  
Attachments

cc: School Board Members  
Superintendent's Cabinet  
School Board Attorney  
Dr. Magaly C. Abrahante  
Ms. Iraida R. Mendez-Cartaya  
Ms. Tabitha Fazzino  
Miami-Dade County Legislative Delegation Members  
Mr. Ronald L. Book  
Mr. Alberto R. Cardenas  
Mr. Thomas A. Cerra  
Dr. Richard H. Hinds

A RESOLUTION of the \_\_\_\_\_ urging the Miami-Dade Legislative Delegation to persuade the Florida Legislature to utilize the 2004-2005 District Cost Differential (DCD) until such time that a new and equitable calculation for the DCD may be devised by a qualified, unbiased third party.

WHEREAS, the 2004 session of the Florida Legislature endorsed a new calculation of the District Cost Differential which purportedly adjusts educational funding for school districts both by cost of living and wage levels; and

WHEREAS, the entire calculation through a statistical technique allegedly adjusts wage levels for the value of amenities and trades wage levels for the imputed value of those amenities for wage levels; and

WHEREAS, the validity of this economic theory has not been independently reviewed by peer economists and educational finance experts as well as the appropriateness of the statistical technique utilized for such an adjustment; and

WHEREAS, the Florida Legislature never explicitly changed the statutory basis for the DCD calculation but merely implicitly endorsed the use of the revised calculation by the Florida Department of Education; and

WHEREAS, the use of the new amenities-adjusted DCD damages and decreases educational funding for the Miami-Dade County Public Schools by over \$26 million during 2004-2005, \$58 million during 2005-2006, and \$112 million when fully implemented in 2006-2007; and

WHEREAS, similar damaging effects result from the use of the revised DCD in 38 other Florida school districts, including Broward, Palm Beach, Volusia, and Monroe Counties; and

WHEREAS, the cumulative effect of this new version of the DCD will seriously impair the ability of affected districts to hire and retain qualified teachers and to offer a sufficient variety of educational programs to meet the diverse needs of its clients; and

WHEREAS, the quality and viability of public education is a necessary component for the economic well-being and development of a community and region; THEREFORE

**Be it resolved by the \_\_\_\_\_ that the Miami-Dade Legislative Delegation adopt as a major priority and non-negotiable objective for the 2005 legislative session, freezing the calculation of the DCD at its 2004-2005 level and the commissioning of a study by an unbiased, qualified third party to review the validity of the amenities-adjusted DCD and to recommend a new more equitable calculation methodology.**

## *Talking Points*

### District Cost Differential Update

- The Florida Legislature modified the methodology used in the calculation of the District Cost Differential based on a report published by the Bureau of Economic and Business Research, University of Florida.
- The report raised serious questions as to the underpinning logic behind the economic, political and mathematical assumptions used to develop the suggested funding redistribution. The gist of the new economic theory is that the monies allocated to fund real cost of living differentials between counties should be reduced because the value of property is artificially driven up by the desire to live and work in certain counties. The term used in the report is Amenity Adjustment.
- Other concerns with the methodology are as the use of average wages within counties as the impact of immigration upon those wages and the average wages of teachers were not factored into the calculation.
- There is a concern over discarding a tried and true index, the Florida Price Level Index (FPLI), as the chief driver of the DCD calculation. The FPLI is based on the national Consumer Price Index (CPI) calculation and has been modified several times over the years by the Bureau of Economic and Business Research to make it a more comparative tool between Florida counties.
- The DCD was created to rectify inequities among the districts related to their cost of doing business. The DCD has been studied year after year and has been determined to be an equalizing factor for all districts. In fact, as recent as two years ago, an outside consultant hired by the State's task force, and chaired by then Senator Horne, studied the DCD and substantiated its purpose. Furthermore, the policy has been validated by the Florida Courts.
- The School Board of Miami-Dade County, Florida has sought legal relief through the court system due to the draconian modification to the Florida Education Finance Program (FEFP), which will have drastic fiscal implications to the district's students and community. The District filed a temporary injunction to the implementation of the amenities-adjusted District Cost Differential (DCD), in an attempt to delay any changes to the formula pending the court ruling on the issue.
- The temporary injunction was denied by Judge Kevin P. Davey. Counsel advises that the motion was denied based solely on the Defendant's representation that the Department of Education has procedures in place to restore lost FEFP funds if the District prevails. The judge agreed to expedite the trial and work with parties in establishing a trial date as soon as practically possible. However, at this time, trial is not expected until late May or June.
- An action plan has been developed in an attempt to overturn the current amenities-based Florida Price Level Index (FPLI) used for the District Cost Differential (DCD) for fiscal year 2004-2005 and distributed to the Board on July 23, 2004. The proposed plan has several facets including academia, legal, administrative, legislative, and grassroots. The plan entails obtaining experts in educational finance and economists to provide an analysis and recommendations related to the University of Florida's Bureau of Business and Economic Research report; contracting with legal counsel; engaging the South Florida business community in our plight; a public relations campaign; as well as periodic meetings with the Miami-Dade Legislative Delegation.
- Since filing the complaint, Volusia County School Board, Broward County School Board and Palm Beach County School Board have voted to join the lawsuit.
- Financial Impact:

Year 1:	2004-05	\$26,857,146 loss for M-DCPS (includes CSR) Mitigated by \$14,231,828 One-year fix of approximately 50%
Year 2:	2005-06	\$58,604,842 loss for M-DCPS including CSR (no fix)
Year 3:	2006-07	\$102,778,181 loss for M-DCPS including CSR (no fix)



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA URGING THE FLORIDA LEGISLATURE TO UTILIZE THE 2004 - 2005 DISTRICT COST DIFFERENTIAL ("DCD") UNTIL SUCH TIME AS A NEW AND EQUITABLE CALCULATION FOR THE DCD MAY BE DEvised BY A QUALIFIED, UNBIASED THIRD PARTY AND URGING THE MIAMI-DADE LEGISLATION DELEGATION TO ADOPT THIS GOAL AS A MAJOR PRIORITY AND A NON-NEGOTIABLE OBJECTIVE FOR THE 2005 LEGISLATIVE SESSION.

**WHEREAS**, the 2004 session of the Florida Legislature endorsed a new calculation of the District Cost Differential ("DCD") which purportedly adjusts educational funding for school districts both by cost of living and wage levels; and

**WHEREAS**, the statistical methodology used for the DCD calculation has resulted in an Amenities-Adjusted Index which is based on the premise that, even with higher costs of living, teachers will offer their services at lower salaries in order to remain in a high amenity community; and

**WHEREAS**, the validity of the statistical methodology for the DCD has not been independently reviewed by economists and educational finance experts, nor has the appropriateness of this statistical technique been evaluated and analyzed; and

**WHEREAS**, the Florida Legislature never explicitly changed the statutory basis for the DCD calculation, but merely implicitly endorsed the use of the revised calculation by the Florida Department of Education; and

**WHEREAS**, the use of the new Amenities-Adjusted Index damages and decreases educational funding for the Miami-Dade County Public Schools by over \$26 million during 2004 - 2005, \$58 million during 2005 - 2006, and \$112 million when fully implemented in 2006 - 2007; and

**WHEREAS**, similar damaging effects result from the use of the revised DCD in 38 other Florida school districts, including Broward, Palm Beach, Volusia, and Monroe Counties; and

**WHEREAS**, the cumulative effect of this new version of the DCD will seriously impair the ability of affected districts to hire and retain qualified teachers and to offer a sufficient variety of educational programs to meet the diverse needs of its clients; and

**WHEREAS**, the quality and viability of public education is a necessary component for the economic well-being and development of a community and region.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

That the Florida Legislature is hereby urged to utilize the 2004 - 2005 District Cost Differential until such time as a new and equitable calculation for the DCD may be devised, and furthermore, the Miami-Dade Legislative Delegation is hereby urged to adopt, as a major priority and non-negotiable objective for the 2005 legislative session, the freezing of the calculation of the DCD at its 2004 - 2005 level and the commissioning of a study by an unbiased, qualified third party to review the validity of the Amenities-Adjusted Index and to recommend a new more equitable calculation methodology.

PASSED AND ADOPTED this \_\_\_\_\_ day of April, 2005.

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

(Requested by Commissioner Matti H. Bower)

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

M. H. Bower  
City Attorney

4-9-05  
Date

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## R9 - New Business and Commission Requests

R9D The Committee Of The Whole Will Meet During Lunch Break In The City Manager's Large Conference Room For A Fiscal Year 2005/06 General Fund Budget Briefing.

(City Manager's Office)

AGENDA ITEM R9D  
DATE 4-20-05

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**CITY OF MIAMI BEACH**  
**Office of the Mayor and Commission**  
**Memorandum**

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**To: MURRAY DUBBIN**  
**CITY ATTORNEY**

**Cc: JORGE GONZALEZ**  
**CITY MANAGER**

**From: MATTI H. BOWER**  
**COMMISSIONER**

A handwritten signature in black ink, appearing to be "MHB", written over the printed name of the Commissioner.

**Date: April 8, 2005**

**Re: AGENDA ITEM- RESOLUTION SUPPORTING THE CITY OF MIAMI**  
**BEACH ONE-STOP CAREER CENTER**

---

Please create a resolution supporting the One-Stop Career Center in Miami Beach. It is currently being considered for closure due to budget cuts by South Florida Workforce and is vital to the citizen's of Miami Beach.

**MHB/as**

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2005 APR -8 AM 11:10  
CITY MANAGERS OFFICE  
BY

**Agenda Item** R9E  
**Date** 4-20-05

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA URGING THE SOUTH FLORIDA WORKFORCE NOT TO CLOSE THE ONE STOP CAREER CENTER IN MIAMI BEACH DUE TO ITS VITAL CONTRIBUTION TO THE CITIZENS OF MIAMI BEACH AND ADJOINING COMMUNITIES.**

**WHEREAS**, since its inception about five years ago, the South Florida Workforce's One Stop Career Center in Miami Beach has assisted almost 55,000 people with an array of services such as employment training, providing labor market information, assistance with unemployment claims, developing resumes, as well as many other employment related services; and

**WHEREAS**, the One Stop Career Center ("Center") in Miami Beach has undergone a One-Million Dollar renovation which was funded by the City of Miami Beach and South Florida Workforce and which was designed to enhance the customer's experience. The newly remodeled facility, operated by UNIDAD/Miami Beach Hispanic Community Center, is located in the heart of South Beach, in the South Shore Community Center at 833 6<sup>th</sup> Street; and

**WHEREAS**, the Center is housed on the second floor of the South Shore Community Center, which houses several other important social service programs and is conveniently accessible to all the beach communities; and

**WHEREAS**, the Center is equipped with state of the art amenities suitable for all customers, including persons with disabilities. The Center's equipment includes PCs with Internet access and job search programs; office equipment such as printers, faxes, and scanners; and, assistive technology equipment for people with disabilities, such as modified PCs, scanners, and magnifiers; and

**WHEREAS**, the City of Miami Beach has made a substantial financial commitment in order to upgrade and improve the South Shore Community Center and has provided an extended ten (10) year lease at \$1 per year to UNIDAD of Miami Beach, Inc. in order to attract the One Stop Career Center to Miami Beach and subsidize its operations; and

**WHEREAS**, the Miami Beach One Stop Career Center has consistently met all performance goals set by South Florida Workforce; and

**WHEREAS**, the Miami Beach One Stop Career Center is the sole South Florida Workforce facility operating in Miami Beach or in any of the adjoining Miami-Dade County barrier island communities (e.q., Surfside, Bal Harbour, Sunny Isles Beach, etc.); and

**WHEREAS**, the Center is currently being considered for closure by the South Florida Workforce due to budget cuts; and

**WHEREAS**, due to its vital contribution to the citizens of Miami Beach, the closure of the One Stop Career Center is strongly opposed by the Mayor and City Commission of the City of Miami Beach.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the South Florida Workforce is hereby urged not to close the One Stop Career Center due to its vital contribution to the citizens of Miami Beach and adjoining communities.

PASSED AND ADOPTED this \_\_\_\_\_ day of April, 2005.

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

(Requested by Commissioner Matti H. Bower)

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

M. McDull  
City Attorney

4-14-05  
Date



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c: Tim  
Lilia



**CITY OF MIAMI BEACH**  
**OFFICE OF THE MAYOR & COMMISSION**  
**MEMORANDUM**

**TO:** JORGE GONZALEZ  
CITYMANAGER

**FROM:** DAVID DERMER  
MAYOR

**DATE:** APRIL 13, 2005

**RE:** AGENDA ITEM

---

Please place the Urban Impact Compensation Fund for discussion on the April 20, 2005 City Commission Meeting agenda.

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CITY MANAGERS OFFICE  
BY

Agenda Item R9F  
Date 4-20-05

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c: Tim  
Lita

**CITY OF MIAMI BEACH**  
**OFFICE OF THE MAYOR & COMMISSION**  
**MEMORANDUM**

**TO: JORGE GONZALEZ**  
**CITYMANAGER**

**FROM: DAVID DERMER**  
**MAYOR**

A handwritten signature of David Derner, the Mayor, in black ink.

**DATE: APRIL 13, 2005**

**RE: AGENDA ITEM**

---

Please place the possible demolition of the Fontainebleau North Tower on the April 20, 2005 City Commission Meeting agenda for discussion.

BY  
CITY MANAGERS OFFICE

2005 APR 13 AM 11:01

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Agenda Item

R9G

Date

4-20-05


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C. Bob  
Don  
Tim  
Lilia

**CITY OF MIAMI BEACH**  
**OFFICE OF THE MAYOR & COMMISSION**  
**MEMORANDUM**

**TO:** JORGE M. GONZALEZ  
CITY MANAGER

**FROM:** DAVID DERMER  
MAYOR 

**DATE:** APRIL 14, 2005

**RE:** DISTANCE SEPARATION

---

Please place on the 4/20/05 City Commission Agenda for first reading and referral to the Neighborhood/Community Affairs Committee prior to second reading.

Attached is a proposed ordinance which would mandate that designated sexual offenders reside at least 2,500 feet from schools, daycare centers, parks, playgrounds or any other areas where children congregate.

Agenda Item

Date

R94

4-20-05

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "MISCELLANEOUS OFFENSES," TO CREATE ARTICLE VI, TO BE ENTITLED "SEX OFFENDERS" AND CREATING SECTION 70-400, ENTITLED "SEX OFFENDER RESIDENCY PROHIBITION," PROVIDING FOR A PROHIBITION FROM SEX OFFENDERS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES FROM LIVING WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE CITY OF MIAMI BEACH; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of Miami Beach are deeply concerned about the numerous recent occurrences in our state and elsewhere, whereby convicted sex offenders who have been released from custody repeat the unlawful acts for which they had originally been convicted; and,

WHEREAS, the Mayor and City Commission of the City of Miami Beach find from the evidence the recidivism rate for released sex offenders is alarmingly high, especially for those who commit their crimes on children; and,

WHEREAS, the City is becoming an increasingly attractive place of residence for younger families with small children; and,

WHEREAS, the Mayor and City Commission of the City of Miami Beach desire to establish policy which provides the maximum protection of the lives and persons in the City of Miami Beach; and,

WHEREAS, Article VIII, Section 2(b), Florida Constitution and §166.021, Fla. Stat., provide the City authority to protect the health, safety and welfare of its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 70 of the Code of the City of Miami Beach entitled "Miscellaneous Offenses" be amended to read:

**ARTICLE VI. SEX OFFENDERS**

**Sec. 70-400. Sex offender residency prohibition.**

- (a) It is unlawful for any person who has been convicted of a violation of §§794.011, 800.04, 827.071, or 847.0145, Fla. Stat., regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to reside within 2,500 feet of any school, designated public school bus stop, day care center, park, playground, or other place where children regularly congregate.
- (b) A person who violates this section and whose conviction under §§794.011, 800.04, 827.071, or 847.0145, Fla. Stat., was classified as a felony of the third degree, second degree, first degree or higher, shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment; for a second or subsequent conviction of a violation of this section, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment in the county jail not more than 12 months, or by both such fine and imprisonment.
- (c) This section applies to any person convicted of a violation of §§794.011, 800.04, 827.071, or 847.0145, Fla. Stat., for offenses that occur on or after October 1, 2004.

## SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

## SECTION 3. SEVERABILITY

If any section, subsection or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

## SECTION 4. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

## SECTION 5. EFFECTIVE DATE

This ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION:

  
\_\_\_\_\_  
City Attorney

4-15-05  
\_\_\_\_\_  
Date



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CITY MANAGERS OFFICE  
BY \_\_\_\_\_

**CITY OF MIAMI BEACH  
OFFICE OF THE MAYOR & COMMISSION  
MEMORANDUM**

**TO: JORGE M. GONZALEZ  
CITY MANAGER**

**FROM: LUIS R. GARCIA JR.  
VICE-MAYOR**

A handwritten signature in black ink, appearing to read "Luis R. Garcia Jr.", written over the printed name.

**DATE: APRIL 15, 2005**

**RE: AGENDA ITEM -**

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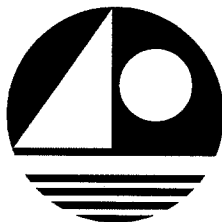
Please place on the April 20<sup>th</sup>, Commission agenda a discussion item regarding the efforts by the Fire Fighters Union in conjunction with the City Administration to access redevelopment funds to enhance Fire Rescue Services. This legislation would be similar to the one previously approved for funding Public Safety Services.

Thank you.

Agenda Item R9I  
Date 4-20-05

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CITY MANAGERS OFFICE

BY

**CITY OF MIAMI BEACH  
OFFICE OF THE MAYOR & COMMISSION  
MEMORANDUM**

**TO: JORGE M. GONZALEZ  
CITY MANAGER**

**FROM: LUIS R. GARCIA JR.  
VICE MAYOR**

*Luis R. Garcia Jr.*

**DATE: APRIL 15, 2005**

**RE: AGENDA ITEM**

---

Please place on the April 20<sup>th</sup> Commission agenda a discussion item regarding the Carrfour facility being established on North Beach. Since the construction signs posted outside the building advertise that municipal funds from Miami-Dade County and the City of Miami are being used to develop the facility, I would ask you to please contact those municipal governments to send representatives to our meeting.

Agenda Item R9J  
Date 4-20-05

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**OFFICE OF THE CITY ATTORNEY  
CITY OF MIAMI BEACH**

**TO:** Mayor David Dermer  
Members of the City Commission  
City Manager Jorge Gonzalez

**FROM:** Murray H. Dubbin  
City Attorney *M H Dubbin*

**SUBJECT:** Notice of Attorney-Client Session

**DATE:** April 8, 2005

Pursuant to Section 286.011(8), Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation:

**City of Miami Beach vs. Miami-Dade County, Florida and 900 Collins Ave., LLC.**, Eleventh Judicial Circuit Court, Appellate Division, Appellate Case No. 05-087 AP; Lower Case No. BV04000959

Therefore, a private attorney-client session will be held during the lunch recess of the City Commission meeting on April 20, 2005 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above-referenced litigation. The specific time period for and the commencement of the attorney-client session shall be announced by the chair of the commission meeting at the opening of the attorney-client session. The termination of the attorney-client session shall be announced by the chair of the commission meeting at the re-opening of the commission meeting after the lunch recess.

The following individuals will be in attendance: Mayor David Dermer; Members of the City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Don Papy, and First Assistant City Attorney Gary Held.

**Agenda Item** R10A  
**Date** 4-20-05

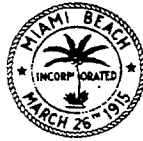
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# City of Miami Beach

F L O R I D A



**MURRAY H. DUBBIN**  
City Attorney

**Telephone:** (305) 673-7470  
**Telecopy:** (305) 673-7002

## COMMISSION MEMORANDUM

**DATE:** April 20, 2005

**TO:** Mayor David Dermer  
Members of the City Commission  
City Manager Jorge M. Gonzalez

**FROM:** Murray H. Dubbin  
City Attorney

**SUBJECT:** City Attorney's Status Report

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### I. LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. Impact Funding Corp. vs. Jose M. Rodriguez, et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 05-04753 CA 25

This is a mortgage foreclosure case for real property located at 13254 S.W. 9<sup>th</sup> Terrace, Miami 33184. This is a mortgage foreclosure. Although this property is not located on Miami Beach, to protect any potential interests the City may have, an Answer was filed March 28, 2005.

2. Susan Amerkan, as Trustee vs. Roberto R. Villalon, Castle Beach Condominium Assoc. et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 05-04893 CA 27

This is a mortgage foreclosure case for real property located at 5445 Collins Avenue, Miami Beach, Florida. There are monies due the City for Utilities. An Answer was filed March 28, 2005.

3. Scott Atchisson vs. City of Miami Beach. United States District Court, Southern District of Florida, Case No. 05-20672 CIV-Altonaga

1700 Convention Center Drive -- Fourth Floor -- Miami Beach

**Agenda Item** A

**Date** 4-20-05

Mayor David Dermer  
Members of the City Commission  
City Manager Jorge M. Gonzalez  
Page 2  
April 20, 2005

Plaintiff filed suit in Federal court claiming that his legal rights provided by the Family and Medical Leave Act were violated when he was terminated. The City is preparing its response and will vigorously defend the law suit.

4. Micky Biss vs. City of Miami Beach, a municipal corporation and Robert Parcher, the City Clerk of the City of Miami Beach. Eleventh Judicial Circuit, General Jurisdiction, Case No. 05-05755 CA 30

This is an action for a declaratory judgment and mandamus relief pursuant to Chapter 119 of the Florida Statutes. The Plaintiff asserts that certain executive session transcripts are not exempt from disclosure because the conditions in Section 286.011(8), F.S. were not met.

5. Barcelona Hotel, L.L.C., a Florida limited liability company vs. Williams Paving Co., Inc., Inc., a Florida corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 02-18354 CA 22

City was served with a Writ of Garnishment as the case had a jury verdict in 2004. The writ was dissolved, without response from the City, as the case was settled.

6. Mortgage Electronic Registration Systems, Inc. as Nominee for Countrywide Home Loans, Inc. vs. Aura Slavik, et al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 05-06033 CA 32

This is a mortgage foreclosure case for real property located at 6345 Collins Avenue, Miami Beach, Florida. There are monies due the City for Utilities, Resort Tax and a Special Assessment. An Answer was filed April 12, 2005.

7. Paco Basantes vs. City of Miami Beach, FL, et al. United States District Court, Southern District of Florida, Case No. 04-23180 CIV- SEITZ/BANDSTRA

Plaintiff filed suit in federal court claiming that he was discriminated and retaliated against because of his national origin in violation of State and Federal laws when he was not promoted, and when he received his performance evaluations. Plaintiff also alleges he was

Mayor David Dermer  
Members of the City Commission  
City Manager Jorge M. Gonzalez  
Page 3  
April 20, 2005

denied due process, his First Amendment rights to free speech were violated and the Florida's Whistle blower Statute was violated.

8. Glycerine Kendrick, as parent and natural guardian of Ellen Marie Cherry, Deceased vs. City of Miami Beach. Eleventh Judicial Circuit, General Jurisdiction, Case No. 05-06750 CA 27

The City was served with this wrongful death complaint on April 7, 2005, wherein the plaintiff allege that on April 3, 2001, her daughter, Ellen Marie Cherry, a minor, drowned due to the lack of lifeguards and the presence of rip tides on the 44<sup>th</sup> Street beach behind the Fountainbleau. In addition to no lifeguards and rip tides on the date of the incident, Plaintiff alleges that the City had public restrooms, showers, water fountains, parking and concessionaires at the beach all designed to draw people to the beach. An Answer and Affirmative Defenses will be timely filed and discovery propounded.

9. Mayra Dobbie vs. City of Miami Beach, a Florida Municipality, Hotelerama Associates, LTD. d/b/a The Fountainbleau Hilton Resort, KDM Corporation d/b/a The Fountainbleau Hilton Resort, Hotelerama Associates II, LLLP d/b/a The Fountainbleau Hilton Resort, and KDM II Corporation d/b/a The Fountainbleau Hilton Resort. Eleventh Judicial Circuit, General Jurisdiction, Case No. 05-6920 CA

The City was served with this complaint on April 7, 2005, wherein the plaintiff alleges to have tripped and fallen on a cracked, broken and uneven dock surface located on the west side of Collins Avenue across the street from the Fountainbleau Hilton Resort at 4441 Collins Avenue. An Answer and Affirmative Defenses will be filed and a motion for summary judgment will be filed as soon as appropriate as this area is not owned, maintained or controlled by the City of Miami Beach.

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# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.ci.miami-beach.fl.us



## COMMISSION MEMORANDUM

To: Mayor David Dermer and  
Members of the City Commission

Date: April 20, 2005

From: Jorge M. Gonzalez  
City Manager

Subject: **PARKING STATUS REPORT**

### I. BOAT SHOW 2005 REPORT

The Parking Department attended parking lots, park and ride locations, and garages earned total gross revenues of \$175,223.00 for the Boat Show this year. Gross revenues from Convention Center area parking was \$116,884.00 and the attended park and ride lots was \$58,339.00. Exhibit space revenue and meter rental revenues was \$100,620.00. Total gross revenues amounted to \$275,843.00 and when sales tax is netted out this figure becomes \$257,797.00; a decrease of \$22,492.00 from last year. This decrease is primarily attributed to this year's Boat Show being a five day event versus six days last year.

Expenses for operations (parking attended labor and security personnel), shuttle bus rental, and printed maps totaled \$102,337.00, resulting in net income of \$155,460.00, a decrease of \$32,058.00 from last year.

### II. PARKING DEPARTMENT FINANCIAL REPORTS-FEBRUARY 2005

#### EXECUTIVE SUMMARY

The following comments serve to preface attended parking facilities (garages and lots) performance for the month of February 2005. In February 2005, gross revenues at attended facilities (garage and lots) decreased by 3.56% as compared to the prior year's period.

During the month of February 2005, the Parking Department's attended locations earned a net profit of \$562,160.79. This is a decrease in net profit of \$120,411.43 or 17.64% as compared to the same period in the prior year. The year to date net profit is \$2,618,271.72. This is a decrease in net profit of \$167,301.25 or 6.01%. The decrease to net profits is attributed to an increase to operational expenses brought on primarily by the implementation of the Living Wage Ordinance as it has significantly increased our labor costs for security services, janitorial services, and cashiers/attendants and supervisors at our attended facilities. Specifically, the cashiers/attendants and supervisors' hourly rate has increased by 36% and in some instances janitorial costs have tripled. In 2003, security services was the first contract affected by the Living Wage ordinance wherein security expenses increased by 52%.

Agenda Item B

Date 4-20-05

**A) 17th Street Municipal Parking Garage: February 2005**

During the month of February 2005, the 17th Street Garage had net revenues of \$277,865.81. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$57,720.00, transient parking revenues of \$213,845.81, and valet rental fees of \$6,300.00. Net revenues increased from \$270,117.03 in 2004, to \$277,865.81 in 2005; a 2.87% increase in net revenues. After subtracting operating expenses of \$121,798.28 the facility had a net profit for the month in the amount of \$156,067.53. This represents a decrease in net profit for the facility in the amount of \$29,103.29 or 15.72% when compared to the same period in the previous year. This decrease is primarily attributable to an increase in attendant cashier labor expense of \$32,791.76. The 17th Street Garage served a total of 90,719 parkers in the month of February, 2005.

**B) 7th Street Municipal Parking Garage: February 2005**

During the month of February 2005, the 7th Street Municipal Parking Garage had net revenues of \$163,593.61. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$16,425.00 and transient parking revenues of \$147,168.61. When compared to the same month in the prior year (February 2004), net revenues decreased from \$178,671.96 in 2004, to \$163,593.61 in 2005; an 8.44% decrease in net revenues. After subtracting operating expenses of \$60,770.89 and debt service of \$59,500.00 the facility had a net profit for the month in the amount of \$43,322.72. This is a decrease in net profit of \$25,352.58 or 36.92% as compared to the same period in the previous year. This decrease is primarily attributable to a decrease in transient parking revenues of \$17,703.35 and an increase in attendant cashier labor expense of \$6,109.11. The 7th Street Garage served a total of 33,290 parkers in the month of February, 2005.

**C) 5-A Municipal Surface Parking Lots (Washington Avenue to Pennsylvania and 17th Street): February 2005**

During the month of February 2005, the 5-A Surface Lots had net revenues of \$149,392.73. Net revenues are comprised of facility-specific access-card revenues of \$16,860.00 and transient parking revenues of \$132,532.73. When compared to the same period in the prior year, (February 2004), net revenues decreased from \$173,491.80 in 2004, to \$149,392.73 in 2005; representing a 13.89% decrease in net revenues. After subtracting operating expenses of \$37,974.36, the facility had a net profit for the month in the amount of \$111,418.37. This is a decrease in net profit of \$34,464.24 or 23.62% from February 2004. This decrease is primarily attributable to a decrease in transient parking revenues of \$25,299.07 and an increase in attendant cashier labor expense of \$10,816.09. The 5-A Municipal Surface Parking Lot served a total of 38,491 parkers in the month of February, 2005.

**D) 12th Street Municipal Parking Garage: February 2005**

During the month of February 2005, the 12th Street Garage had net revenues of \$34,428.77. Net revenues are comprised of facility-specific monthly parking revenues of

\$3,840.00 and transient parking revenues of \$30,588.77. When compared to the same month in the prior year (February 2004), net revenues increased from \$34,168.03 in 2004, to \$34,428.77 in 2005; a .76% increase in net revenues. After subtracting operating expenses of \$24,275.40 the facility had a net profit for the month in the amount of \$10,153.37. This is a decrease in net profit of \$4,765.70 or 31.94%. This decrease is primarily attributable to an increase in attendant cashier labor expense of \$2,667.71 and an increase in security personnel expense of \$2,361.98. The 12th Street Garage served a total of 5,086 parkers in the month of February 2005.

**E) 13th Street Municipal Parking Garage: February 2005**

During the month of February 2005, the 13th Street Garage had net revenues of \$67,658.34. Net revenues are comprised of facility-specific monthly parking permit revenues of \$8,520.00 and transient parking revenues of \$59,138.34. Compared to the same month in the prior year (2004), net revenues increased from \$62,372.55 in 2004, to \$67,658.34 in 2005; representing an 8.47% increase in net revenues. After subtracting operating expenses of \$34,795.62, the facility had a net profit for the month in the amount of \$32,862.72. This is an increase in net profit of \$284.68 or .87% from February 2004. The 13<sup>th</sup> Street Garage served a total of 12,924 parkers in the month of February 2005.

**F) 16th Street-Anchor Parking Garage: February 2005**

During the month of February, 2005, the 16th Street Garage had net revenues of \$182,703.75. Net revenues are comprised of facility-specific monthly parking revenues of \$30,800.00, transient parking revenues of \$122,302.81, and valet rental fees of \$29,600.94. Compared to the same month in the prior year (2004), net revenues decreased from \$183,845.52 in 2004, to \$182,703.75 in 2005; representing a .62% decrease in net revenues. After subtracting operating expenses of \$53,338.04 the facility had a net profit for the month in the amount of \$129,365.71. This is a decrease in net profit of \$18,526.77 or 12.53% from February 2004 and is primarily attributable to an increase in attendant cashier labor expense of \$7,371.08, an increase in garage cleaning expense of \$6,318.00, and an increase in security personnel expense of \$2,831.31. The 16th Street Garage served a total of 26,022 parkers in the month of February, 2005.

**G) 42nd Street Municipal Parking Garage: February 2005**

During the month of February, 2005, the 42nd Street Garage had net revenues of \$39,300.37. Net revenues are comprised of facility-specific monthly parking revenues of \$33,720.00 and transient parking revenues of \$5,580.37. Compared to the same month in the prior year, 2004, net revenues decreased from \$46,006.37 in 2004, to \$39,300.37 in 2005; representing a 14.58% decrease in net revenues. After subtracting operating expenses of \$19,830.00 the facility had a net profit for the month in the amount of



\$19,470.37. This is a decrease in net profit of \$8,483.53. This decrease is primarily attributable to a decrease in transient parking revenues of \$5,386.00, a decrease in monthly parking revenues of \$1,320.00, an increase in attendant cashier labor expense of \$1,094.88, and an increase in garage cleaning expenses of \$1,628.50. The 42nd Street Garage served a total of 20,682 parkers in the month of February, 2005.

#### **H) Electronic Parking Meter Revenue Comparison: February 2005**

This statement compares parking meter revenue collected in February 2005, with revenue collected in February 2004. When comparing revenues for February 2005 in the amount of \$861,482.89 to revenues for February 2004 in the amount of \$771,581.26, the report reflects an increase of \$89,901.63 or 11.65% in revenues collected. Meter revenue collected does not reflect the change in monthly decal parkers (both commercial and residential), valet rental or construction rental of meters, or metered surface lots either taken out of service, or managed differently than the previous year. In the month of February 2005 decal and permit revenue received was \$100,549.62 and meter rental revenue (valet, construction, and special events) was \$73,178.03 versus \$91,518.93 and \$101,577.10 respectively in February 2004. The combined total revenue produced at meters for the month of February 2005 was \$1,035,210.54. This reflects an increase from the previous year in the amount of \$70,533.25 or 7.31%.

#### **I) Parking and Transportation Smart Card Sales: February 2005**

In the month of February 2005, the Parking Department sold 2,451 Parking Meter Cards to merchants, vendors, hoteliers, and the public, for revenues in the amount of \$61,230.00.

#### **J) Hotel Hangtag Sales: February 2005**

In the month of February 2005, the Parking Department sold 2,100 hotel hangtags to hoteliers in the amount of \$12,600.00.

#### **K) Multi-Space Parking Meter Program**

Parkeon multi-space parking meters have been placed into operation and are configured in a "pay-and-display" mode. Upon receipt of payment, the multi-space meter issues a receipt that is displayed on the vehicles' dashboard. Year to date the multi-space meters have yielded a 22.17% increase over the prior year.

**CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
MULTI -SPACE PARKING METER REVENUE COMPARISON**

LOCATION	Number of Spaces	2003 February	2004 February	Increase/ (Decrease)	Increase/ (Decrease)	2005 February	Increase/ (Decrease)	Increase/ (Decrease)
7A Ocean Drive	93	\$8.02	\$8.15	0.14	1.69%	\$11.37	3.22	39.48%
5M 777 17th Street	27	\$4.39	\$3.91	(0.48)	-10.97%	\$4.97	1.06	27.09%
9B 72nd St. & Collins Ave.	312	\$0.00	\$0.00	0.00	-	\$0.45	0.45	-
10A Lincoln Lane & Jefferson West	70	\$6.48	\$5.38	(1.09)	-16.90%	\$9.70	4.32	80.19%
10C Lincoln Lane & Meridian	141	\$7.61	\$7.20	(0.41)	-5.40%	\$9.26	2.05	28.51%
10D Lincoln Lane & Jefferson West	62	\$6.30	\$5.98	(0.32)	-5.06%	\$8.07	2.09	34.87%
10E Lincoln Lane & Jefferson East	19	\$5.56	\$5.56	0.00	0.06%	\$8.71	3.15	56.63%
10X Lincoln Lane & Lenox-Michigan	99	\$6.58	\$5.75	(0.83)	-12.63%	\$8.70	2.95	51.29%
P85 71st St. and Byron Avenue	28	\$0.00	\$0.00	0.00	-	\$0.42	0.42	-
<b>Total</b>	<b>851</b>	<b>\$44.94</b>	<b>\$41.94</b>	<b>(\$3.00)</b>	<b>-6.67%</b>	<b>61.64</b>	<b>19.70</b>	<b>46.97%</b>

**YEAR TO DATE REVENUE COMPARISON**

LOCATION	Number of Spaces	Fiscal 2002/2003	Fiscal 2003/2004	Increase/ (Decrease)	Increase/ (Decrease)	Fiscal 2004/2005	Increase/ (Decrease)	Increase/ (Decrease)
7A Ocean Drive	93	\$6.99	7.66	0.67	9.59%	\$9.16	1.50	19.53%
5M 777 17th Street	27	\$2.95	3.19	0.24	8.17%	\$4.31	1.12	35.12%
9B 72nd St. & Collins Ave.	312	\$0.00	0.11	0.11	-	\$0.19	0.08	-
10A Lincoln Lane & Jefferson West	70	\$5.97	5.39	(0.58)	-9.68%	\$7.50	2.11	39.12%
10C Lincoln Lane & Meridian	141	\$7.12	6.77	(0.35)	-4.87%	\$8.01	1.24	18.32%
10D Lincoln Lane & Jefferson West	62	\$5.87	5.53	(0.33)	-5.65%	\$6.15	0.62	11.16%
10E Lincoln Lane & Jefferson East	19	\$5.32	6.11	0.79	14.91%	\$6.65	0.54	8.79%
10X Lincoln Lane & Lenox-Michigan	99	\$6.37	5.53	(0.85)	-13.29%	\$6.86	1.33	24.06%
P85 71st St. and Byron Avenue	28	\$0.00	0.00	0.00	-	\$0.40	0.40	-
<b>Total</b>	<b>851</b>	<b>\$40.58</b>	<b>\$40.29</b>	<b>-\$0.29</b>	<b>-0.72%</b>	<b>\$49.23</b>	<b>\$8.93</b>	<b>22.17%</b>

**Method of Payment Distribution Year to Date for All Collections**

Currency	53.22%
Coins	20.06%
Credit Cards	24.63%
Debit Cards	2.09%
<b>Total</b>	<b>100.00%</b>

The first multispace meters were installed in January 2003. Additional meters were installed in later periods. Data for prior periods has been included for purposes of comparison.

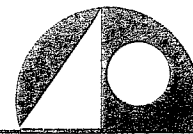
**City of Miami Beach**  
**Parking Department**  
**2005 Boat Show**  
*Revenue Comparison by Location*

	2005 Feb 17-21	2004 Feb 12-17	Increase (Decrease)
<b>ATTENDED LOCATIONS</b>			
Convention Center Area Facilities			
2G - 17th St. Garage	\$76,075	\$83,151	(\$7,076)
5AE - 17th St. Lot	19,958	30,642	(10,684)
5AW - 17th St. Lot	18,398	32,476	(14,078)
5F - 18th St. & Meridian Ave.	2,453	1,290	1,163
<b>Sub-Total</b>	<b>\$116,884</b>	<b>\$147,559</b>	<b>(\$30,675)</b>
 Attended Park & Ride Facilities			
9B-72nd St. & Collins Ave	5,063	2,358	2,705
26A-80th St. & Collins Ave	160	170	(10)
8A - 42nd St. Garage	2,833	6,823	(3,990)
6B - 21st St. & Collins Ave. Lot	6,440	6,011	429
16D - 34th St. & Collins Ave. Lot	1,700	1,200	500
16E - 35th St. & Collins Ave. Lot	1,570	1,410	160
19X - 46th St. & Collins Ave. Lot	22,770	22,610	160
19B - 53rd St. & Collins Ave. Lot	8,598	8,808	(210)
18A - 64th St. & Collins Ave. Lot	2,570	2,095	475
5M-777 17th Street	1,750	1,350	400
20X-27th St. & Collins Ave Lot	2,645	2,466	179
Par 3	2,240	0	2,240
<b>Sub-Total</b>	<b>\$58,339</b>	<b>\$55,301</b>	<b>\$3,038</b>
 <b>TOTAL</b>	 <b>\$175,223</b>	 <b>\$202,860</b>	 <b>(\$27,637)</b>

**City of Miami Beach  
Parking Department  
2005 Boat Show**  
*Shuttle Ridership*

<b>2005</b>	<b>2004</b>	<b>Variance</b>	<b>Percentage</b>
3,128	8,043	(4,915)	-61.11%

# CITY OF MIAMI BEACH



To: All Hoteliers and Guests

Date: February 1, 2005

From: Jorge M. Gonzalez  
City Manager

Subject: **FREE CONTINUOUS SHUTTLE SERVICE TO THE MIAMI BEACH CONVENTION CENTER, MIAMI INTERNATIONAL BOAT SHOW AND YACHT & BROKERAGE SHOW**

To provide a safe and pleasant visit to the City of Miami Beach, we encourage you to use the **free** continuous shuttle service that is available to all hotel guests and remote parkers. The Boat Show's Shuttle service will be available for all Boat Show days: Thursday, February 17th through Monday, February 21st.

There are **16 (sixteen) convenient stops** along Collins Avenue providing continuous shuttle service to both the Miami International Boat Show at the Miami Beach Convention Center, and the Yacht & Brokerage Show along the Indian Creek/Collins Avenue waterway. Please refer to the map on the reverse side for shuttle stops.

The shuttle will operate one hour prior and one hour after Boat Show hours for that day. The Boat Show and Shuttle hours and dates are as follows:

Dates	Boat Show Hours	Shuttle Hours
February 17	10:00 AM to 6:00 PM	9:00 AM to 7:00 PM
February 18-20	10:00 AM to 8:00 PM	9:00 AM to 9:00 PM
February 21	10:00 AM to 6:00 PM	9:00 AM to 7:00 PM

Additional shuttle service will be available for the duration of the show:

NMMA Boat Show will operate a continuous shuttle among all three (3) show locations, the Miami Beach Convention Center, Sealine Marina and Yachting Center (Omni Parking Garage) and Miamarina at Bayside.

The Yacht & Brokerage Show will operate shuttles from Municipal Parking Lots located on Collins Avenue at 64th Street, 72nd Street, 79th Street, 83rd Street, and 84th Streets, to the Yacht & Brokerage Show on Collins Avenue, continuing to the NMMA Boat Show at the Convention Center (through Monday, February 21, 2005).

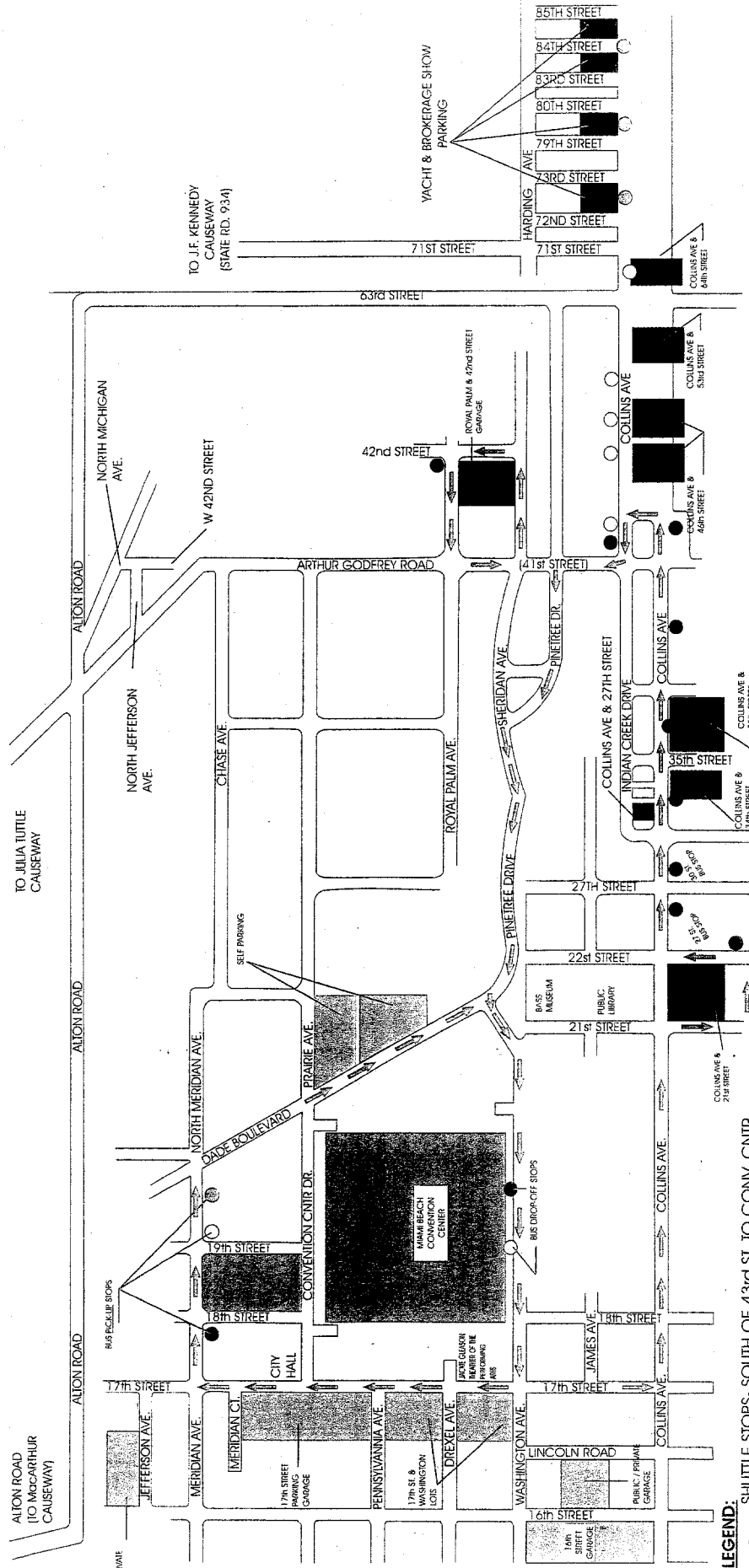
**The newly renovated City of Miami Beach 42nd Street Garage, (see map), will be available for parking and shuttle service to the Convention Center, February 19-21, 2005.**

We hope that your stay in Miami Beach is enjoyable, and the transportation alternative is convenient for you. If you should have any problems, please call the **Miami Beach Tourist Hotline at 673-7400.**

F:\PING\SALL\SAUL\EVENTS\BSHOW03.MEM

# BOAT SHOW PARKING AND "PARK & RIDE" SYSTEM

FREE SHUTTLE SERVICE RUNS CONTINUOUSLY  
ONE (1) HOUR BEFORE SHOW AND STOPPING ONE (1) HOUR AFTER SHOW



- LEGEND:**
- SHUTTLE STOPS- SOUTH OF 43rd ST. TO CONV. CNTR.
  - SHUTTLE STOPS- NORTH OF 43rd ST. TO CONV. CNTR.
  - SHUTTLE STOPS- YACHT & BROKERAGE SHOW EXPRESSLINE
  - ▨ GARAGES AND LOTS
  - ▬ PARK & RIDE LOTS
- 21 ST. & COLLINS AVE.**  
27 ST. & COLLINS AVE.  
34 ST. & COLLINS AVE.  
35 ST. & COLLINS AVE.  
ROYAL PALM & 42ND STREET (GARAGE) \*OPEN FEBRUARY 19 - 21, 2005
- ADDITIONAL PARKING**  
7 ST. & COLLINS AVE.  
12 ST. & WASHINGTON AVE.
- PUBLIC / PRIVATE PARKING GARAGES**  
10 ST. & COLLINS AVE.  
16 ST. & COLLINS AVE.
- BUS STOPS ONLY**  
30 ST. & COLLINS AVE.  
38 ST. & COLLINS AVE.
- 46 ST. & COLLINS AVE.**  
53 ST. & COLLINS AVE.  
64 ST. & COLLINS AVE.
- 13 ST. & COLLINS AVE.**  
16 ST. & COLLINS AVE.
- 17 ST. & JEFFERSON**
- 43 ST. & COLLINS AVE.**  
42 ST. & INDIAN CREEK

2005 MIAMI INTERNATIONAL BOAT SHOW  
YACHT & BROKERAGE SHOW  
PARKING AND PARK & RIDE SHUTTLES



CITY OF MIAMI BEACH  
PARKING SYSTEM

NOTE: MAP NOT TO SCALE

**CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
FINANCIAL REPORT SUMMARY  
February 2005**

LOCATION	REVENUE			EXPENSES			PROFIT/(LOSS)		
	2004 February	2005 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)	2004 February	2005 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Percent of Increase/ (Decrease)
17 St. Garage	270,117.03	277,865.81	7,748.78	2.87%	84,946.21	121,798.28	36,852.07	43.38%	-15.72%
7th St. Garage	178,871.96	163,593.61	(15,078.35)	-8.44%	50,496.66	60,770.89	10,274.23	20.35%	-19.78%
17th St. Lots	173,491.80	149,392.73	(24,099.07)	-13.89%	27,609.19	37,974.36	10,365.17	37.54%	-23.62%
12th St. Garage	34,168.03	34,428.77	260.74	0.76%	19,248.96	24,275.40	5,026.44	26.11%	-31.94%
13th St. Garage	62,372.55	67,658.34	5,285.79	8.47%	29,794.51	34,795.62	5,001.11	16.79%	0.87%
42nd St. Garage	46,006.37	39,300.37	(6,706.00)	-14.58%	18,052.47	19,830.00	1,777.53	9.85%	-30.35%
16th St. - Anchor	183,845.52	182,703.75	(1,141.77)	-0.62%	35,953.04	53,338.04	17,385.00	48.35%	-12.53%
<b>Totals</b>	<b>948,673.26</b>	<b>914,943.38</b>	<b>(33,729.88)</b>	<b>-3.56%</b>	<b>266,101.04</b>	<b>352,782.59</b>	<b>86,681.55</b>	<b>32.57%</b>	<b>-17.64%</b>

	Revenue Per Space	Expenses Per Space	Profit/(Loss) Per Space	
17 St. Garage	190.32	83.42	106.90	The 17th Street Garage has 1,460 spaces.
7th St. Garage	253.24	94.07	159.17	The 7th Street Garage has 646 spaces.
17th St. Lots	295.24	75.05	220.19	The 17th Street Lots have 506 spaces.
12th St. Garage	256.93	181.16	75.77	The 12th Street Garage has 134 spaces.
13th St. Garage	236.57	121.66	114.90	The 13th Street Garage has 286 spaces.
42nd St. Garage	63.39	31.98	31.40	The 42nd Street Garage has 620 spaces.
16th St. - Anchor	227.53	66.42	161.10	The 16th Street - Anchor Garage has 803 spaces.

**CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
FINANCIAL REPORT SUMMARY - YEAR TO DATE  
October 2004 - February 2005**

LOCATION	REVENUE			Percent of Increase/ (Decrease)	EXPENSES			Percent of Increase/ (Decrease)	PROFIT/(LOSS)		
	2004 February YTD	2005 February YTD	Increase/ (Decrease)		2004 February YTD	2005 February YTD	Increase/ (Decrease)		2004 February YTD	2005 February YTD	Increase/ (Decrease)
17 St. Garage	1,102,680.44	1,189,669.05	86,988.61	7.89%	375,336.59	494,987.87	119,651.28	31.88%	727,343.85	694,681.18	(32,662.67)
7th St. Garage	808,576.76	781,703.42	(26,873.34)	-3.32%	288,465.77	304,927.77	46,462.00	17.98%	550,110.99	476,775.65	(73,335.34)
17th St. Lots	795,183.81	803,866.36	8,682.55	1.09%	127,571.04	158,435.86	30,864.82	24.19%	667,612.77	645,430.50	(22,182.27)
12th St. Garage	159,886.55	173,633.05	13,744.50	8.60%	89,647.42	98,618.20	8,970.78	10.01%	70,241.13	75,014.85	4,773.72
13th St. Garage	280,681.71	302,957.38	22,275.67	7.94%	148,642.83	169,469.98	20,827.15	14.01%	132,038.88	133,487.40	1,448.52
42nd St. Garage	198,518.33	186,714.78	(11,803.55)	-5.95%	81,863.26	95,818.70	13,955.44	17.05%	116,655.07	90,886.08	(25,758.99)
16th St. - Anchor	709,545.69	752,181.47	42,635.78	6.01%	187,975.41	250,195.41	62,220.00	33.10%	521,570.28	501,986.06	(19,584.22)
<b>Totals</b>	<b>4,055,075.29</b>	<b>4,190,725.51</b>	<b>135,650.22</b>	<b>3.35%</b>	<b>1,269,502.32</b>	<b>1,572,453.79</b>	<b>302,951.47</b>	<b>23.86%</b>	<b>2,785,572.97</b>	<b>2,618,271.72</b>	<b>(167,301.25)</b>
17 St. Garage	Revenue Per Space 814.84	Expenses Per Space 339.03	Profit/(Loss) Per Space 475.81		The 17th Street Garage has 1,460 spaces.						
7th St. Garage	Revenue Per Space 1,210.07	Expenses Per Space 472.02	Profit/(Loss) Per Space 738.04		The 7th Street Garage has 646 spaces.						
17th St. Lots	Revenue Per Space 1,588.67	Expenses Per Space 313.11	Profit/(Loss) Per Space 1,275.55		The 17th Street Lots have 506 spaces.						
12th St. Garage	Revenue Per Space 1,295.77	Expenses Per Space 735.96	Profit/(Loss) Per Space 559.81		The 12th Street Garage has 134 spaces.						
13th St. Garage	Revenue Per Space 1,059.29	Expenses Per Space 592.55	Profit/(Loss) Per Space 466.74		The 13th Street Garage has 286 spaces.						
42nd St. Garage	Revenue Per Space 301.15	Expenses Per Space 154.55	Profit/(Loss) Per Space 146.61		The 42nd Street Garage has 620 spaces.						
16th St. - Anchor	Revenue Per Space 936.71	Expenses Per Space 311.58	Profit/(Loss) Per Space 625.14		The 16th Street - Anchor Garage has 803 spaces.						



**CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
17th Street Garage - 2G  
February 2005**

LOCATION	ACCOUNTING CODE	2004 February	2005 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
<b>17th Street Garage - 2G</b>						
<b>Revenue</b>						
Revenue-Ticket	480-8000-344583	210,057.03	213,845.81	3,788.78		
Revenue - Valet	480-8000-344583	6,300.00	6,300.00	0.00		
Revenue-Monthly Permits	480-8000-344514	<u>53,760.00</u>	<u>57,720.00</u>	<u>3,960.00</u>		
	<b>17th Street - 2G REVENUE (Sales Tax Excluded)</b>	<b>270,117.03</b>	<b>277,865.81</b>	<b>7,748.78</b>	<b>2.87%</b>	<b>\$190.32</b>
<b>Expenses</b>						
Security Personnel		17,601.32	15,941.80	(1,659.52) (1).		
Attendant/Cashier Labor		52,732.42	85,524.18	32,791.76 (2).		
FP&L		6,473.39	6,892.30	418.91 (3).		
Revenue Control Equipment Maintenance		1,666.67	1,666.67	0.00		
Armed Guard Revenue Pickup		420.00	420.00	0.00		
Elevator Maintenance		613.00	425.00	(188.00)		
Landscape Maintenance		108.33	108.33	0.00		
Garage Cleaning/Maintenance		<u>5,331.08</u>	<u>10,820.00</u>	<u>5,488.92</u> (4).		
	<b>17th St. Garage - 2G EXPENSES</b>	<b>84,946.21</b>	<b>121,798.28</b>	<b>36,852.07</b>	<b>43.38%</b>	<b>\$83.42</b>
	<b>17th St. Garage PROFIT/(LOSS)</b>	<b>185,170.82</b>	<b>156,067.53</b>	<b>(29,103.29)</b>	<b>-15.72%</b>	<b>\$106.90</b>
<b>Number of Spaces</b>						<b>1460</b>

**Notes:**

The 17th Street Garage has 1460 spaces. Approximately 40% of the annual revenue is from monthly parkers including valet rentals. The remainder of income is derived from Lincoln Road, Conventions, TOPA, and the New World Symphony.

(1). February 2004 Security Personnel figure consists of 1,434.50 total labor hours. While, February 2005 Security Personnel figure consists of only 1,299.25 total labor hours.

(2). February 2004 Attendant/Cashier Labor figure consists of only 4,778.25 total labor hours at the average rate of \$11.04 per hour. While, February 2005 Attendant/Cashier Labor figure consists of 5,768 total labor hours at the average rate of \$14.83 per hour.

(3). February 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through February 2003.

(4). February 2005 Garage Cleaning/Maintenance charge of \$10,820 reflects the new regular monthly service charge from Best Maintenance. The increase is due to new "Living Wage" requirements.

City of Miami Beach  
Parking Department  
Daily Revenue Report  
17th Street Garage - 2G

February 2005

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Tuesday	2,377	17:00 - 17:59	374	3,053.27
2	Wednesday	2,335	14:00 - 14:59	355	2,888.79
3	Thursday	3,596	20:00 - 20:59	641	7,553.27
4	Friday	3,977	17:00 - 17:59	704	9,942.99
5	Saturday	3,915	19:00 - 19:59	596	12,287.85
6	Sunday	3,033	15:00 - 15:59	675	8,224.30
7	Monday	2,131	18:00 - 18:59	348	2,387.85
8	Tuesday	2,204	14:00 - 14:59	367	2,956.07
9	Wednesday	2,515	17:00 - 17:59	361	2,999.07
10	Thursday	3,068	17:00 - 17:59	447	4,044.86
11	Friday	4,204	17:00 - 17:59	595	7,546.73
12	Saturday	4,076	19:00 - 19:59	648	11,106.54
13	Sunday	3,984	16:00 - 16:59	761	10,520.56
14	Monday	3,352	17:00 - 17:59	519	5,031.78
15	Tuesday	3,030	17:00 - 17:59	516	4,825.23
16	Wednesday	2,948	17:00 - 17:59	508	4,763.55
17	Thursday	2,898	18:00 - 18:59	506	6,715.89
18	Friday	3,810	20:00 - 20:59	700	11,541.12
19	Saturday	3,939	20:00 - 20:59	821	19,294.39
20	Sunday	3,818	10:00 - 10:59	648	18,691.59
21	Monday	3,338	17:00 - 17:59	671	13,909.35
22	Tuesday	2,999	16:00 - 16:59	468	4,581.31
23	Wednesday	3,113	14:00 - 14:59	423	4,216.82
24	Thursday	3,253	17:00 - 17:59	472	4,904.67
25	Friday	3,566	17:00 - 17:59	472	6,921.50
26	Saturday	3,666	16:00 - 16:59	569	9,794.39
27	Sunday	3,445	15:00 - 15:59	669	10,406.54
28	Monday	2,129	14:00 - 14:59	324	2,735.53
	<b>TOTAL</b>	<b>90,719</b>			<b>\$213,845.81</b>
<b>MONTHLY PERMIT REVENUE</b>					<b>\$57,720.00</b>
<b>VALET REVENUE</b>					<b>\$6,300.00</b>
<b>TOTAL NET REVENUE</b>					<b>\$277,865.81</b>

**CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
7th Street Garage - 1G  
February 2005**

LOCATION	ACCOUNTING CODE	2004 February	2005 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
<b>7th Street Garage - 1G</b>						
<b>Revenue</b>						
Revenue-Ticket	142-8000-344404	164,871.96	147,168.61	(17,703.35)		
Revenue-Monthly Permits	142-8000-344404	<u>13,800.00</u>	<u>16,425.00</u>	<u>2,625.00</u>		
	<b>7th Street - 1G REVENUE</b> (Sales Tax Excluded)	<b>178,671.96</b>	<b>163,593.61</b>	<b>(15,078.35)</b>	<b>-8.44%</b>	<b>\$253.24</b>
<b>Expenses</b>						
Security Personnel		20,960.22	21,135.07	174.85		
Attendant/Cashier Labor		17,642.05	23,751.16	6,109.11 (1).		
Landscape Maintenance		848.00	1,178.67	330.67 (2).		
FP&L		3,067.37	2,328.41	(738.96) (3).		
Revenue Control Equipment Maintenance		700.00	700.00	0.00		
Garage Cleaning/Maintenance		4,864.00	9,242.00	4,378.00 (4).		
Armed Guard Revenue Pickup		420.00	420.00	0.00		
Elevator Maintenance		1,460.42	1,065.17	(395.25) (5).		
Surveillance System Maintenance		<u>534.60</u>	<u>950.41</u>	<u>415.81</u> (6).		
	<b>7th Street - 1G EXPENSES</b>	<b>50,496.66</b>	<b>60,770.89</b>	<b>10,274.23</b>	<b>20.35%</b>	<b>\$94.07</b>
	<b>7th St. Estimated Debt Service</b>	<b>59,500.00</b>	<b>59,500.00</b>	<b>0.00</b>	<b>0.00%</b>	<b>\$92.11</b>
	<b>7th St. PROFIT/(LOSS)</b>	<b>68,675.30</b>	<b>43,322.72</b>	<b>(25,352.58)</b>	<b>-36.92%</b>	<b>\$67.06</b>
<b>Number of Spaces</b>						<b>646</b>

**Notes:**

Generators for this garage are local workers, restaurants, hotels, construction, visitors to SOBE, local beach goers, restaurant patrons, and nightclub patrons.

(1). February 2004 Attendant/Cashier Labor figure consists of 1,587.75 total labor hours at the average rate of \$11.11 per hour. While, February 2005 Attendant/Cashier Labor figure consists of 1,590.25 total labor hours at the average rate of \$14.94 per hour.

(2). February 2005 Landscape Maintenance charge of \$1,178.67 reflects the regular monthly service charge of \$918.67, plus an additional charge of \$260.00 for materials and labor to repair vandalized irrigation lines on two occasions.

(3). February 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through February 2003.

(4). February 2005 Garage Cleaning/Maintenance charge of \$9,242 reflects the new regular monthly service charge from Best Maintenance. The increase is due to new "Living Wage" requirements.

(5). February 2004 Elevator Maintenance charge of \$1,460.42 reflects the regular monthly service charge of \$1,065.17 plus a charge of \$395.25 for an additional service call.

(6). February 2005 Surveillance System Maintenance charge reflects the regular monthly service charge of \$611.41, plus an additional charge of \$339 to reinstall a camera that was knocked down.

City of Miami Beach  
Parking Department  
Daily Revenue Report  
7th Street Garage - 1G

February 2005

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Space Rental Goldman - No Tax	Daily Space Rental Other - Incl. Tax	Daily Revenue Including Tax
1	Tuesday	570	13:00 - 13:59	100	415.18	183.43	1,835.00
2	Wednesday	597	15:00 - 15:59	115	415.18	183.43	1,732.00
3	Thursday	702	19:00 - 19:59	113	415.18	183.43	2,139.00
4	Friday	762	23:00 - 23:59	225	415.18	183.43	7,837.00
5	Saturday	1,935	23:00 - 23:59	300	415.18	183.43	10,910.00
6	Sunday	1,302	14:00 - 14:59	294	415.18	183.43	4,575.00
7	Monday	656	19:00 - 19:59	122	415.18	183.43	2,299.00
8	Tuesday	767	19:00 - 19:59	140	415.18	183.43	2,240.00
9	Wednesday	795	15:00 - 15:59	143	415.18	183.43	2,512.00
10	Thursday	907	19:00 - 19:59	143	415.18	183.43	2,954.00
11	Friday	1,228	23:00 - 23:59	210	415.18	183.43	7,152.00
12	Saturday	2,106	15:00 - 15:59	327	415.18	183.43	11,759.00
13	Sunday	1,731	15:00 - 15:59	343	415.18	183.43	7,106.00
14	Monday	1,057	19:00 - 19:59	166	415.18	183.43	3,316.00
15	Tuesday	946	19:00 - 19:59	170	415.18	183.43	3,192.00
16	Wednesday	958	15:00 - 15:59	169	415.18	183.43	3,350.00
17	Thursday	1,111	13:00 - 13:59	198	415.18	183.43	3,780.00
18	Friday	1,714	16:00 - 16:59	269	415.18	183.43	10,699.00
19	Saturday	2,111	23:00 - 23:59	277	415.18	183.43	11,576.00
20	Sunday	1,820	18:00 - 18:59	299	415.18	183.43	8,436.00
21	Monday	1,340	15:00 - 15:59	281	415.18	183.43	5,074.00
22	Tuesday	1,034	15:00 - 15:59	196	415.18	183.43	3,652.00
23	Wednesday	1,140	15:00 - 15:59	199	415.18	183.43	3,453.40
24	Thursday	1,114	19:00 - 19:59	180	415.18	183.43	3,989.00
25	Friday	849	13:00 - 13:59	220	415.18	183.43	10,259.00
26	Saturday	1,706	23:00 - 23:59	269	415.18	183.43	11,499.00
27	Sunday	1,542	12:00 - 12:59	248	415.18	183.43	6,791.00
28	Monday	790	14:00 - 14:59	137	415.18	183.43	3,354.00
<b>TOTAL</b>		<b>33,290</b>			<b>\$11,625.00</b>	<b>\$5,136.00</b>	<b>\$157,470.40</b>

<b>TOTAL GROSS REVENUE</b>	<b>\$11,625.00</b>	<b>\$5,136.00</b>	<b>\$157,470.40</b>
<b>SALES TAX</b>	<b>\$0.00</b>	<b>\$336.00</b>	<b>\$10,301.79</b>
<b>TOTAL NET REVENUE</b>	<b>\$11,625.00</b>	<b>\$4,800.00</b>	<b>\$147,168.61</b>

<b>Monthly Budgeted Revenue Needed to Break Even - FY 04/05</b> (Includes Debt Service)		<b>\$144,185.67</b>
<b>Less Current Month Net Revenue</b>		<b>\$163,593.61</b>
<b>Over/(Short)</b>		<b>\$19,407.94</b>
<b>Monthly Space Rental</b>		
Goldman Properties - 155	\$11,625.00	No tax included
Other - 64	\$5,136.00	Tax included

CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
17th Street Lots - 5A - East and West  
February 2005

LOCATION	ACCOUNTING CODE	2004 February	2005 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
<b>17th Street Lots - 5A East &amp; West</b>						
<b>Revenue</b>						
Revenue-Ticket	480-8000-344515	157,831.80	132,532.73	(25,299.07)		
Revenue-Monthly Permits	480-8000-344596	<u>15,660.00</u>	<u>16,860.00</u>	<u>1,200.00</u>		
	<b>17th Street Lots - 5A REVENUE</b> (Sales Tax Excluded)	<b>173,491.80</b>	<b>149,392.73</b>	<b>(24,099.07)</b>	<b>-13.89%</b>	<b>\$295.24</b>
<b>Expenses</b>						
Security Personnel		1,319.03	868.11	(450.92) (1).		
Attendant/Cashier Labor		23,729.34	34,545.43	10,816.09 (2).		
Revenue Control Equipment Maintenance		1,666.67	1,666.67	0.00		
Landscape Maintenance		502.67	502.67	0.00		
FP&L		<u>391.48</u>	<u>391.48</u>	<u>0.00</u> (3).		
	<b>17th St. Lots - 5A EXPENSES</b>	<b>27,609.19</b>	<b>37,974.36</b>	<b>10,365.17</b>	<b>37.54%</b>	<b>\$75.05</b>
	<b>17th St. Lots - 5A PROFIT/(LOSS)</b>	<b>145,882.61</b>	<b>111,418.37</b>	<b>(34,464.24)</b>	<b>-23.62%</b>	<b>\$220.19</b>
<b>Number of Spaces</b>						<b>506</b>

**Notes:**

(1). February 2004 Security Personnel figure consists of only 107.50 total labor hours. While, February 2005 Security Personnel figure consists of only 70.75 total labor hours.

(2). February 2004 Attendant/Cashier Labor figure consists of only 2,270.75 total labor hours at the average rate of \$10.45 per hour. While, February 2005 Attendant/Cashier Labor figure consists of 2,394 total labor hours at the average rate of \$14.43 per hour.

(3). February 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through February 2003. Additionally, February 2005 FP&L invoice was unable to be obtained. Therefore, the figure used is the previously established estimate.

City of Miami Beach  
Parking Department  
Day Revenue Report  
17th Street Lots - 5A East and West

February 2005

Date	Day	East Total Vehicle Entries	East Daily Ticket Revenue	West Total Vehicle Entries	West Daily Ticket Revenue	TOTAL Daily Ticket Revenue
1	Tuesday	849	2,224.30	667	1,635.51	3,859.81
2	Wednesday	838	1,706.54	737	1,389.72	3,096.26
3	Thursday	916	2,885.05	788	2,572.90	5,457.95
4	Friday	951	4,140.19	827	3,515.89	7,656.08
5	Saturday	985	4,388.79	849	4,418.69	8,807.48
6	Sunday	838	2,153.27	632	1,365.42	3,518.69
7	Monday	793	1,694.39	685	1,335.51	3,029.90
8	Tuesday	915	1,827.10	698	1,347.66	3,174.76
9	Wednesday	972	1,851.40	708	1,331.78	3,183.18
10	Thursday	959	2,339.25	0	0.00	2,339.25
11	Friday	1,018	3,386.92	1	672.90	4,059.82
12	Saturday	1,098	4,149.53	0	1,177.57	5,327.10
13	Sunday	929	1,980.37	0	953.27	2,933.64
14	Monday	1,021	2,288.79	0	1,051.40	3,340.19
15	Tuesday	939	2,069.16	0	560.75	2,629.91
16	Wednesday	925	1,795.33	0	0.00	1,795.33
17	Thursday	695	2,965.42	458	3,457.94	6,423.36
18	Friday	773	4,088.79	677	4,429.91	8,518.70
19	Saturday	839	4,721.50	732	5,327.10	10,048.60
20	Sunday	858	4,194.39	725	3,988.79	8,183.18
21	Monday	753	2,799.07	0	0.00	2,799.07
22	Tuesday	871	1,757.94	0	0.00	1,757.94
23	Wednesday	935	1,797.20	0	0.00	1,797.20
24	Thursday	889	2,561.68	0	789.72	3,351.40
25	Friday	1,040	3,848.60	1,041	3,592.52	7,441.12
26	Saturday	1,114	4,592.52	969	4,371.03	8,963.55
27	Sunday	991	2,733.64	1,041	3,158.88	5,892.52
28	Monday	847	1,828.98	705	1,317.76	3,146.74
	<b>TOTAL</b>	<b>25,551</b>	<b>\$78,770.11</b>	<b>12,940</b>	<b>\$53,762.62</b>	<b>\$132,532.73</b>
<b>MONTHLY PERMIT REVENUE</b>						<b>\$16,860.00</b>
<b>TOTAL NET REVENUE</b>						<b>\$149,392.73</b>

Note: Total Vehicles Entries at the 5A West were negatively effected by the Boat Show "move in" (February 10th - 16th, 2005) and "move out" (February 21st - 24th, 2005).

**CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
12th Street Garage - 2A  
February 2005**

LOCATION	ACCOUNTING CODE	2004 February	2005 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
<b>12th Street Garage - 2A</b>						
<b>Revenue</b>						
Revenue-Ticket	480-8000-344504	29,428.03	30,588.77	1,160.74		
Revenue-Monthly Permits	480-8000-344593	<u>4,740.00</u>	<u>3,840.00</u>	<u>(900.00)</u>		
	<b>12th Street - 2A REVENUE</b> (Sales Tax Excluded)	<b>34,168.03</b>	<b>34,428.77</b>	<b>260.74</b>	<b>0.76%</b>	<b>\$256.93</b>
<b>Expenses</b>						
Security Personnel		10,306.80	12,668.78	2,361.98 (1).		
Attendant/Cashier Labor		7,184.37	9,852.08	2,667.71 (2).		
FP&L		108.54	108.54	0.00 (3).		
Elevator Maintenance		125.00	125.00	0.00		
Garage Cleaning/Maintenance		<u>1,524.25</u>	<u>1,521.00</u>	<u>(3.25) (4).</u>		
	<b>12th Street - 2A EXPENSES</b>	<b>19,248.96</b>	<b>24,275.40</b>	<b>5,026.44</b>	<b>26.11%</b>	<b>\$181.16</b>
	<b>12th Street - 2A PROFIT/(LOSS)</b>	<b>14,919.07</b>	<b>10,153.37</b>	<b>(4,765.70)</b>	<b>-31.94%</b>	<b>\$75.77</b>
<b>Number of Spaces</b>						<b>134</b>

**Notes:**

The 12th Street Garage achieves 16% of its revenue from permits, the balance is from transients arriving for court appearances, local workers, beachgoers, and nightclub patrons.

(1). February 2004 Security Personnel figure consists of 840 total labor hours. While, February 2005 Security Personnel figure consists of only 612 total labor hours.

(2). February 2004 Attendant/Cashier Labor figure consists of 687.50 total labor hours at the average rate of \$10.45 per hour. While, February 2005 Attendant/Cashier Labor figure consists of 682.75 total labor hours at the average rate of \$14.43 per hour.

(3). February 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through February 2003. Additionally, February 2005 FP&L invoice was unable to be obtained. Therefore, the figure used is the previously established estimate.

(4). February 2004 Garage Cleaning/Maintenance reflects the regular monthly service charge of \$1,285 and a charge of \$239.25 for 29 additional hours of cleaning services. February 2005 Garage Cleaning/Maintenance charge of \$1,521 reflects the new regular monthly service charge from Chi-Ada Corp. The increase is due to new "Living Wage" requirements.

City of Miami Beach  
Parking Department  
Daily Revenue Report  
12th Street Garage - 2A

February 2005

Date	Day	CMB	Armor	P.O	Employee	Court	Chi-Ada	Handicap	Other	Daily Tickets	TOTAL Entries	Daily Ticket Revenue
1	Tuesday	4	0	0	0	5	0	1	20	151	181	684.11
2	Wednesday	0	1	0	0	6	0	0	3	138	148	663.55
3	Thursday	0	0	1	2	0	0	2	9	155	169	710.28
4	Friday	2	0	3	0	0	0	5	4	229	243	1,510.28
5	Saturday	0	0	0	0	0	0	3	2	199	204	1,491.59
6	Sunday	0	0	0	0	0	0	1	2	95	98	753.27
7	Monday	1	0	1	0	1	0	0	17	102	122	517.76
8	Tuesday	3	0	0	0	0	0	0	18	96	117	456.07
9	Wednesday	0	0	1	0	2	0	2	4	144	153	642.99
10	Thursday	1	0	0	0	1	0	5	9	201	217	971.96
11	Friday	1	0	0	0	3	0	4	3	194	205	1,306.54
12	Saturday	1	0	0	0	0	0	2	3	200	206	1,585.05
13	Sunday	0	0	0	0	0	0	3	0	176	179	1,398.13
14	Monday	0	2	0	0	3	0	1	2	176	184	994.39
15	Tuesday	0	0	0	0	1	0	2	12	141	156	712.15
16	Wednesday	0	0	0	0	4	0	0	1	182	187	872.90
17	Thursday	0	1	0	0	1	0	2	7	130	141	751.40
18	Friday	0	0	0	0	0	0	9	3	183	195	1,310.28
19	Saturday	2	0	0	0	0	0	1	1	154	158	1,330.84
20	Sunday	0	0	0	0	0	0	0	0	191	191	1,635.51
21	Monday	0	0	0	0	0	0	2	15	171	188	1,601.87
22	Tuesday	0	0	0	0	2	0	1	9	170	182	923.36
23	Wednesday	1	0	0	0	2	0	0	0	184	187	908.41
24	Thursday	0	0	0	0	1	0	1	14	221	237	1,119.63
25	Friday	0	0	1	1	0	0	3	10	244	259	1,682.24
26	Saturday	1	0	1	0	0	0	3	9	214	228	1,665.42
27	Sunday	0	0	0	0	0	0	1	0	202	203	1,534.58
28	Monday	1	0	2	0	2	0	0	4	139	148	854.21
	<b>TOTAL</b>	<b>18</b>	<b>4</b>	<b>10</b>	<b>3</b>	<b>34</b>	<b>0</b>	<b>54</b>	<b>181</b>	<b>4,782</b>	<b>5,086</b>	<b>\$30,588.77</b>
<b>MONTHLY PERMIT REVENUE</b>												<b>\$3,840.00</b>
<b>TOTAL NET REVENUE</b>												<b>\$34,428.77</b>



CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
13th Street Garage - 17A  
February 2005

LOCATION	ACCOUNTING CODE	2004 February	2005 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
<b>13th Street Garage - 17A</b>						
<b>Revenue</b>						
Revenue-Ticket	480-8000-344566	53,792.55	59,138.34	5,345.79		
Revenue-Monthly Permits	480-8000-344527	<u>8,580.00</u>	<u>8,520.00</u>	<u>(60.00)</u>		
	<b>13th Street - 17A REVENUE</b> (Sales Tax Excluded)	<b>62,372.55</b>	<b>67,658.34</b>	<b>5,285.79</b>	<b>8.47%</b>	<b>\$236.57</b>
<b>Expenses</b>						
Security Personnel		9,770.00	9,914.16	144.16		
Attendant/Cashier Labor		15,470.86	20,272.64	4,801.78 (1).		
Landscape Maintenance		216.67	216.67	0.00		
FP&L		1,404.98	1,531.15	126.17 (2).		
Revenue Control Equipment Maintenance		750.00	750.00	0.00		
Elevator Maintenance		312.00	170.00	(142.00)		
Armed Guard Revenue Pickup		420.00	420.00	0.00		
Garage Cleaning/Maintenance		<u>1,450.00</u>	<u>1,521.00</u>	<u>71.00 (3).</u>		
	<b>13th Street - 17A EXPENSES</b>	<b>29,794.51</b>	<b>34,795.62</b>	<b>5,001.11</b>	<b>16.79%</b>	<b>\$121.66</b>
	<b>13th Street - 17A PROFIT/(LOSS)</b>	<b>32,578.04</b>	<b>32,862.72</b>	<b>284.68</b>	<b>0.87%</b>	<b>\$114.90</b>
<b>Number of Spaces</b>						<b>286</b>

**Notes:**

The 13th Street Garage achieves 15% of its revenue from permits, the balance is transient revenue. The generators are residents, local workers, construction workers, visitors to SOBE, beachgoers, and restaurant patrons.

(1). February 2004 Attendant/Cashier Labor figure consists of 1,376.50 total labor hours at the average rate of \$11.24 per hour. While, February 2005 Attendant/Cashier Labor figure consists of 1,349.25 total labor hours at the average rate of \$15.03 per hour.

(2). February 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through February 2003.

(3). February 2004 Garage Cleaning/Maintenance reflects the regular monthly service charge of \$1,318 and a charge of \$132 for 16 additional hours of cleaning services. February 2005 Garage Cleaning/Maintenance charge of \$1,521 reflects the new regular monthly service charge from Chi-Ada Corp. The increase is due to new "Living Wage" requirements.

## February 2005

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**CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
16th Street - Anchor Garage  
February 2005**

LOCATION	ACCOUNTING CODE	2004 February	2005 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
<b>16th Street - Anchor Garage</b>						
<b>Revenue</b>						
Revenue-Ticket	463-8000-344911	118,038.51	122,302.81	4,264.30		
Revenue -Valet-Loew's	463-8000-344587	37,064.48	28,404.68	(8,659.80)		
Revenue-Valet-Royal Palm	463-8000-344587	642.53	1,196.26	553.73		
Revenue-Monthly Permits	463-8000-344903	28,100.00	30,800.00	2,700.00		
	<b>16th St. - Anchor Garage REVENUE</b> (Sales Tax Excluded)	<b>183,845.52</b>	<b>182,703.75</b>	<b>(1,141.77)</b>	<b>-0.62%</b>	<b>\$227.53</b>
<b>Expenses</b>						
Security Personnel		9,837.47	12,668.78	2,831.31	(1).	
Attendant/Cashier Labor		16,584.62	23,955.70	7,371.08	(2).	
FP&L		3,800.00	4,252.58	452.58	(3).	
Revenue Control Equipment Maintenance		775.00	775.00	0.00		
Armed Guard Revenue Pickup		420.00	420.00	0.00		
Elevator Maintenance		1,015.32	1,442.97	427.65	(4).	
Landscape Maintenance		164.67	152.00	(12.67)		
Garage Cleaning/Maintenance		2,924.00	9,242.00	6,318.00	(5).	
Sanitation (Waste Removal)		181.96	179.01	(2.95)		
Fire Alarm Service		250.00	250.00	0.00		
	<b>16th St. - Anchor Garage EXPENSES</b>	<b>35,953.04</b>	<b>53,338.04</b>	<b>17,385.00</b>	<b>48.35%</b>	<b>\$66.42</b>
	<b>16th St. Garage PROFIT/(LOSS)</b>	<b>147,892.48</b>	<b>129,365.71</b>	<b>(18,526.77)</b>	<b>-12.53%</b>	<b>\$161.10</b>
<b>Number of Spaces</b>						<b>803</b>

**Notes:**

Garage contract awarded effective June 9, 2003.

(1). February 2004 Security Personnel figure consists of only 801.75 total labor hours. While, February 2005 Security Personnel figure consists of 1,032.50 total labor hours.

(2). February 2004 Attendant/Cashier Labor figure consists of only 1,480.75 total labor hours at the average rate of \$11.20 per hour. While, February 2005 Attendant/Cashier Labor figure consists of 1,801.25 total labor hours at the average rate of \$14.96 per hour.

(3). February 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through February 2003.

(4). February 2005 Elevator Maintenance charge of \$1,442.97 reflects the regular monthly service charge of \$1,097.97, plus an additional charge of \$345 for a service call.

(5). February 2005 Garage Cleaning/Maintenance charge of \$9,242 reflects the new regular monthly service charge from Best Maintenance. The increase is due to new "Living Wage" requirements.

City of Miami Beach  
Parking Department  
Daily Revenue Report  
16th Street - Anchor Garage

February 2005

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Tuesday	580	17:00 - 17:59	103	1,546.73
2	Wednesday	627	14:00 - 14:59	131	1,467.29
3	Thursday	665	15:00 - 15:59	116	2,072.90
4	Friday	1,045	12:00 - 12:59	224	5,578.50
5	Saturday	1,048	15:00 - 15:59	157	7,301.87
6	Sunday	700	12:00 - 12:59	154	3,260.75
7	Monday	599	14:00 - 14:59	102	2,160.75
8	Tuesday	574	12:00 - 12:59	92	1,876.64
9	Wednesday	625	14:00 - 14:59	112	1,942.06
10	Thursday	596	14:00 - 14:59	143	2,274.77
11	Friday	1,130	10:00 - 10:59	177	4,516.82
12	Saturday	1,316	18:00 - 18:59	177	7,385.98
13	Sunday	1,125	15:00 - 15:59	213	6,061.68
14	Monday	895	14:00 - 14:59	172	2,749.53
15	Tuesday	642	13:00 - 13:59	121	1,994.39
16	Wednesday	928	14:00 - 14:59	160	2,955.14
17	Thursday	1,047	09:00 - 09:59	174	4,732.71
18	Friday	1,206	09:00 - 09:59	220	7,632.71
19	Saturday	1,331	11:00 - 11:59	191	9,542.99
20	Sunday	1,155	12:00 - 12:59	224	7,463.55
21	Monday	1,027	18:00 - 18:59	172	5,155.14
22	Tuesday	781	13:00 - 13:49	149	2,849.53
23	Wednesday	939	13:00 - 13:59	147	2,741.12
24	Thursday	1,001	12:00 - 12:59	148	3,552.34
25	Friday	1,273	13:00 - 13:59	185	6,379.44
26	Saturday	1,492	16:00 - 16:59	207	9,087.85
27	Sunday	1,070	12:00 - 12:59	194	5,942.06
28	Monday	605	15:00 - 15:59	100	2,077.57
	<b>TOTAL</b>	<b>26,022</b>			<b>\$122,302.81</b>
<b>MONTHLY PERMIT REVENUE</b>					<b>\$30,800.00</b>
<b>VALET REVENUE</b>					<b>\$29,600.94</b>
<b>TOTAL NET REVENUE</b>					<b>\$182,703.75</b>

Note: Garage contract awarded effective June 9, 2003.

CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
42nd Street Garage - 8A  
February 2005

LOCATION	ACCOUNTING CODE	2004 February	2005 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
<b>42nd St. Garage - 8A</b>						
<b>Revenue</b>						
Revenue-Ticket	480-8000-344531	10,966.37	5,580.37	(5,386.00)		
Revenue-Monthly Permits	480-8000-344595	<u>35,040.00</u>	<u>33,720.00</u>	<u>(1,320.00)</u>		
	<b>42nd Street Garage- 8A REVENUE</b> (Sales Tax Excluded)	<b>46,006.37</b>	<b>39,300.37</b>	<b>(6,706.00)</b>	<b>-14.58%</b>	<b>\$63.39</b>
<b>Expenses</b>						
Security Personnel		9,214.77	8,217.83	(996.94) (1).		
Attendant/Cashier Labor		4,731.24	5,826.12	1,094.88 (2).		
FP&L		1,806.96	1,964.05	157.09 (3).		
Revenue Control Equipment Maintenance		0.00	0.00	0.00		
Elevator Maintenance		536.00	430.00	(106.00)		
Landscape Maintenance		0.00	0.00	0.00		
Garage Cleaning/Maintenance		<u>1,763.50</u>	<u>3,392.00</u>	<u>1,628.50</u> (4).		
	<b>42nd St. Garage - 8A EXPENSES</b>	<b>18,052.47</b>	<b>19,830.00</b>	<b>1,777.53</b>	<b>9.85%</b>	<b>\$31.98</b>
	<b>42nd St. Garage PROFIT/(LOSS)</b>	<b>27,953.90</b>	<b>19,470.37</b>	<b>(8,483.53)</b>	<b>-30.35%</b>	<b>\$31.40</b>
<b>Number of Spaces</b>						<b>620</b>

**Notes:**

The primary users of this facility are monthly parkers engaged in local business.

(1). February 2004 Security Personnel figure consists of only 751 total labor hours. While, February 2005 Security Personnel figure consists of only 669.75 total labor hours.

(2). February 2004 Attendant/Cashier Labor figure consists of 452.75 total labor hours at the average rate of \$10.45 per hour. While, February 2005 Attendant/Cashier Labor figure consists of 403.75 total labor hours at the average rate of \$14.43 per hour.

(3). February 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through February 2003.

(4). February 2004 Garage Cleaning/Maintenance reflects the regular monthly service charge of \$1,285 and a charge of \$478.50 for 58 additional hours of cleaning services. February 2005 Garage Cleaning/Maintenance charge of \$3,392 reflects the new regular monthly service charge from Best Maintenance. The increase is due to new "Living Wage" requirements.

**CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
ELECTRONIC METER REVENUE COMPARISON  
February 2005**

LOCATION	ACCOUNTING CODE	2005 February # of Spaces	2004 February	2005 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)
1X - (Washington - 4th & Lincoln) - On Street	480-8000-344501	291	47,761.80	43,678.99	(4,082.81)	-8.55%
1A - (1st Street & Ocean Dr.) - Off Street	480-8000-344502	57	7,700.70	4,963.57		
1A - (1st Street & Ocean Dr.) - Attended	480-8000-344502	0	0.00	5,612.13		
Total		57	7,700.70	10,575.70	2,875.00	37.33%
1B - (78 Washington Avenue) - Off Street	480-8000-344617	12	0.00	222.30	222.30	-
2X - (Washington - 5th & Lincoln) - On Street	480-8000-344503	370	45,217.25	44,003.95	(1,213.30)	-2.68%
2B - (6/7 & Meridian) - Off Street	480-8000-344505	22	173.86	393.92	220.06	126.57%
3X - (Collins & Euclid Ave.) On Street	480-8000-344507	68	6,271.38	6,545.34	273.96	4.37%
4X - (Alton 7th St.- Dade Blvd.) - On Street	480-8000-344509	491	69,755.69	78,690.03	8,934.34	12.81%
4B - (Alton & 20th St.-Purdy-Dade Blvd.) - On Street	480-8000-344511	213	13,510.17	16,631.76	3,121.59	23.11%
4C - (West Ave & 17th St.) - Off Street	480-8000-344512	66	9,422.16	11,228.35	1,806.19	19.17%
4D - (West Ave & Lincoln Rd.) - Off Street	480-8000-344513	30	2,759.68	3,840.84	1,081.16	39.18%
5C - (Convention Ctr. Dr. & 17th Street) - Off Street	480-8000-344517	85	896.68	876.46		
5C - (Convention Ctr. Dr. & 17th Street) - Attended	480-8000-344517	0	0.00	0.00		
Total		85	896.68	876.46	(20.22)	-2.25%
5F - (Meridian Ave & 18th Street) - Off Street	480-8000-344519	97	452.47	892.41		
5F - (Meridian Ave & 18th Street) - Attended	480-8000-344519	0	1,205.60	2,280.37		
Total		97	1,658.07	3,172.78	1,514.71	91.35%
5H - (19th Street & Meridian Ave) - Off Street	480-8000-344521	27	0.00	0.00	0.00	-
5M - (17th & Meridian Ave) - Off Street	480-8000-344506	27	3,061.86	3,757.06	695.20	22.71%
6X - (Collins - 20th to 24th St) - On Street	480-8000-344522	236	22,690.07	25,026.24	2,336.17	10.30%
6A - (22nd Street & Park) - Off Street	480-8000-344523	14	594.77	1,031.62	436.85	73.45%
6B - (Collins Ave & 21st Street) - Off Street	480-8000-344524	190	13,321.64	14,506.35		
6B - (Collins Ave & 21st Street) - Attended	480-8000-344524	0	5,796.82	6,018.70		
Total		190	19,118.46	20,525.05	1,406.59	7.36%
7X - (Ocean - Biscayne - 15th St) - On Street	480-8000-344525	442	68,916.47	70,950.53	2,034.06	2.95%
7A - (Collins Ave, 4th to 15th St) - On Street	480-8000-344526	591	114,696.01	123,595.16	8,899.15	7.76%
7C - (Collins Ave & 6th St) - Off Street	480-8000-344528	14	621.51	459.87		
7C - (Collins Ave & 6th St) - Attended	480-8000-344528	0	403.74	0.00		
Total		14	1,025.25	459.87	(565.38)	-55.15%
8X - (Pinetree-Alton - 40th to 42nd St) - On Street	480-8000-344530	386	17,524.63	13,390.62	(4,134.01)	-23.59%
8A - (42nd Street Garage) - Off Street Meters	480-8000-344531	11	213.33	357.10	143.77	67.39%
8B - (42nd Street & Royal Palm) - Off Street	480-8000-344532	173	493.00	3,321.91		
8B - (42nd Street & Royal Palm) - Attended	480-8000-344532	0	0.00	0.00		
Total		173	493.00	3,321.91	2,828.91	573.82%
8C - (40/41 Street & Chase) - Off Street	480-8000-344533	88	1,672.72	2,320.46	647.74	38.72%
8D - (47th Street & Pinetree) - Off Street	480-8000-344534	16	37.69	62.68	24.99	66.30%
8E - (41st Street & Alton) - Off Street	480-8000-344535	40	1,713.79	1,167.11	(546.68)	-31.90%
8F - (41st Street & Jefferson) - Off Street	480-8000-344536	30	442.31	525.88	83.57	18.89%
9X - (Collins - 64th to 79th St) - On Street	480-8000-344537	527	26,199.44	34,608.93	8,409.49	32.10%
9A - (Harding & 71st St) - Off Street	480-8000-344538	48	787.21	0.00	(787.21)	-100.00%
9B - (72nd St. & Collins) - Off Street	480-8000-344539	0	9,851.40	3,950.39		
9B - (72nd St. & Collins) - Attended	480-8000-344539	0	0.00	10,089.71		
Total		0	9,851.40	14,040.10	4,188.70	42.52%
9C (Carlyle & 71st St) - Off Street	480-8000-344540	14	55.64	2.80	(52.84)	-94.97%

**CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
ELECTRONIC METER REVENUE COMPARISON  
February 2005**

LOCATION	ACCOUNTING CODE	2005 February # of Spaces	2004 February	2005 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)
9D - (Collins & 76th St) - Off Street	480-8000-344541	33	776.33	640.85	(135.48)	-17.45%
9E - (71st St. & Harding) - Off Street	480-8000-344542	31	412.45	145.69	(266.76)	-64.68%
9F - (75th & Collins) - Off Street	480-8000-344543	106	2,455.69	3,316.57	860.88	35.06%
10A - (Lincoln Lane & Lenox) - Off Street	480-8000-344544	70	10,923.78	19,004.71	8,080.93	73.98%
10B - (Lincoln Lane & Michigan) - Lease	480-8000-344545	0	14,583.33	14,583.33		
10B - (Lincoln Lane & Michigan) - Attended	480-8000-344545	0	0.00	0.00		
Total		0	14,583.33	14,583.33	0.00	0.00%
10C - (Lincoln Lane & Meridian) - Off Street	480-8000-344546	141	29,455.28	36,548.59	7,093.31	24.08%
10D - (Lincoln Lane & Jefferson - W) - Off Street	480-8000-344547	62	10,752.04	14,001.56	3,249.52	30.22%
10E - (Lincoln Lane & Jefferson - E) - Off Street	480-8000-344548	19	3,063.30	4,632.64	1,569.34	51.23%
10F - (Lincoln Lane & Euclid) - Off Street	480-8000-344549	36	6,152.90	5,349.62	(803.28)	-13.06%
10G - (Lincoln Lane & Michigan) - Off Street	480-8000-344550	21	2,740.25	2,914.55	174.30	6.36%
11X - (Collins & 11th Street) - Off Street	480-8000-344551	0	0.00	0.00		
11X - (Collins & 11th Street) - Attended	480-8000-344551	0	0.00	0.00		
Total		0	0.00	0.00	0.00	
12X - (Washington & 9th Street) - Off Street	480-8000-344552	23	3,596.66	3,471.93		
12X - (Washington & 9th Street) - Attended	480-8000-344552	0	750.00	0.00		
Total		23	4,346.66	3,471.93	(874.73)	-20.12%
13X - (Washington & 10th Street) - Off Street	480-8000-344553	33	5,858.74	5,065.88		
13X - (Washington & 10th Street) - Attended	480-8000-344553	0	0.00	0.00		
Total		33	5,858.74	5,065.88	(792.86)	-13.53%
15X - (16th to 18th East of Collins) - On Street	480-8000-344556	43	9,878.73	10,368.71	489.98	4.96%
15A - (Washington, 17th to 20th) - On Street	480-8000-344557	91	8,878.53	9,621.49	742.96	8.37%
15B - (Convention Center Drive) - On Street	480-8000-344558	46	885.79	1,648.63	762.84	86.12%
16X - (25th to 32nd, E of Collins) - On Street	480-8000-344559	78	4,070.23	6,992.13	2,921.90	71.79%
16A - (35th to 43rd, E of Collins) - On Street	480-8000-344560	117	10,142.17	7,212.35	(2,929.82)	-28.89%
16B - (Indian Crk Dr, 27th to 32nd) - On Street	480-8000-344561	219	4,462.15	4,650.36	188.21	4.22%
16C - (Indian Crk - 33rd to 43rd) - On Street	480-8000-344562	230	10,388.85	11,035.18	646.33	6.22%
16D - (Collins Ave & 34th St) - Off Street	480-8000-344563	64	583.80	1,286.80		
16D - (Collins Ave & 34th St) - Attended	480-8000-344563	0	1,121.50	1,588.78		
Total		64	1,705.30	2,875.58	1,170.28	68.63%
16E - (Collins Ave & 35th St) - Off Street	480-8000-344564	72	1,326.98	1,617.43		
16E - (Collins Ave & 35th St) - Attended	480-8000-344564	0	1,317.75	1,467.29		
Total		72	2,644.73	3,084.72	439.99	16.64%
17X - (Collins & 13th Street) - Off Street	480-8000-344565	54	4,902.49	5,438.40		
17X - (Collins & 13th Street) - Attended	480-8000-344565	0	8,934.57	9,525.24		
Total		54	13,837.06	14,963.64	1,126.58	8.14%
18X - (Indian Crk & 65th St) - Off Street	480-8000-344567	53	70.52	143.25	72.73	103.13%
18A - (Collins & 64th St) - Off Street	480-8000-344568	67	888.74	3,946.50		
18A - (Collins & 64th St) - Attended	480-8000-344568	0	1,962.62	2,401.86		
Total		67	2,851.36	6,348.36	3,497.00	122.64%
19X - (Collins & 46th Street) - Off Street	480-8000-344569	449	17,231.68	14,538.42		
19X - (Collins & 46th Street) - Attended	480-8000-344569	0	21,130.85	26,883.17		
Total		449	38,362.53	41,421.59	3,059.06	7.97%
19A - (Collins & 46th Street) - On Street	480-8000-344570	19	647.22	952.41	305.19	47.15%

**CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
ELECTRONIC METER REVENUE COMPARISON  
February 2005**

LOCATION	ACCOUNTING CODE	2005 February # of Spaces	2004 February	2005 February	Increase/ (Decrease)	Percent of Increase/ (Decrease)
19B - (Collins & 53rd Street) - Off Street	480-8000-344571	158	1,400.45	2,121.94		
19B - (Collins & 53rd Street) - Attended	480-8000-344571	0	8,224.30	9,755.15		
Total		158	9,624.75	11,877.09	2,252.34	23.40%
20X - (Collins Ave & 27th St) - Off Street	480-8000-344572	121	2,125.69	1,951.08		
20X - (Collins Ave & 27th St) - Attended	480-8000-344572	0	2,303.74	2,471.96		
Total		121	4,429.43	4,423.04	(6.39)	-0.14%
22X - (Carlyle & 72nd St) - Off Street	480-8000-344574	45	0.00	141.58	141.58	-
23X - (83rd & Abbott) - Off Street	480-8000-344575	25	0.91	59.15	58.24	6400.00%
24X - (Normandy Isle & Bay Dr) - On Street	480-8000-344576	102	3,534.58	5,488.13	1,953.55	55.27%
24A - (Normandy Isle & Bay Dr) - Off Street	480-8000-344577	26	232.52	283.90	51.38	22.10%
24B - (Normandy Isle & Vendome) - Off Street	480-8000-344578	22	22.73	132.42	109.69	482.58%
24C - (Normandy Isle & Bay Rd S/S) - Off Street	480-8000-344579	33	500.30	888.11	387.81	77.52%
25X - (Bonita Drive & 71st St) - Off Street	480-8000-344580	15	139.54	250.21	110.67	79.31%
26X - (Collins, 79th to 87th Terr) - On Street	480-8000-344581	283	2,163.80	872.44	(1,291.36)	-59.68%
26Z - (Collins & 87th Street) - Off Street	480-8000-344616	15	0.00	76.03	76.03	-
10X - (Lincoln Lane & Lenox) - Off Street	480-8000-344582	99	16,515.59	24,124.28		
10X - (Lincoln Lane & Lenox) - Attended	480-8000-344582	0	0.00	0.00		
Total		99	16,515.59	24,124.28	7,608.69	46.07%
26A - (Collins & 80th Street) - Off Street	480-8000-344584	62	333.06	91.20	(241.86)	-72.62%
26B - (Collins & 84th Street) - Off Street	480-8000-344585	62	192.52	144.35	(48.17)	-25.02%
4E (Purdy & 18th Street) - Off Street	480-8000-344586	39	3,574.77	5,054.22		
4E (Purdy & 18th Street) - Attended	480-8000-344586	0	3,494.02	3,154.19		
Total		39	7,068.79	8,208.41	1,139.62	16.12%
8G - (40th Street & Royal Palm) - Off Street	480-8000-344592	43	2,041.84	1,887.83	(154.01)	-7.54%
8H - (40th Street & Prairie) - Off Street	480-8000-344594	71	2,987.33	3,427.98	440.65	14.75%
26C - (Collins & 79th Street) - Off Street	480-8000-344600	34	77.07	99.05	21.98	28.52%
26D - (Collins & 83rd Street) - Off Street	480-8000-344601	95	11.38	155.90	144.52	1269.95%
SLSP00 - (South Point Lot) - Off Street	480-8000-344602	108	6,376.13	6,412.97		
SLSP00 - (South Point Lot) - Attended	480-8000-344602	0	1,169.16	5,771.02		
Total		108	7,545.29	12,183.99	4,638.70	61.48%
4th & Alton Lot - Off Street	480-8000-344604	21	1,509.09	1,364.02	(145.07)	-9.61%
4A - 1833 Bay Road - Off Street	480-8000-344608	0	0.00	0.00	0.00	-
7D - 10-11th & Collins (Lease)	480-8000-344529	0	3,500.00	3,500.00	0.00	0.00%
10H - (Lincoln Rd. So. & Lenox) - Off Street	480-8000-344611	0	0.00	0.00	0.00	-
14A - 16th Street & Washington (Lease)	480-8000-344555	0	14,583.33	14,583.33	0.00	0.00%
P50 - (24th Street & Flamingo Drive) - Off Street	480-8000-344619	0	0.00	0.00	0.00	-
P51 - (23rd Street & Liberty Avenue East) - Attended	480-8000-344620	0	0.00	0.00	0.00	-
P52 - (23rd Street & Liberty Avenue West) - Attended	480-8000-344621	0	0.00	0.00	0.00	-
P85 - (71st Street & Byron) - Off Street	480-8000-344618	0	0.00	325.38		
P85 - (71st Street & Byron) - Attended	480-8000-344618	0	0.00	897.21		
Total		0	0.00	1,222.59	1,222.59	-
<b>TOTAL</b>		<b>8,332</b>	<b>\$771,581.26</b>	<b>\$861,482.89</b>	<b>\$89,901.63</b>	<b>11.65%</b>



CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
DEBIT CARD REVENUE  
February 2005

VENDOR	# of CARDS \$25	# of CARDS with 10% Discount \$22.50	MACHINE SALES \$ Amount	REFUNDS \$ Amount	TOTAL
BAY SUPERMARKET	0	0			\$0.00
BEACH BANK	0	0			\$0.00
BRIGHAM GARDENS	0	0			\$0.00
CHAMBER OF COMMERCE	0	0			\$0.00
CLEAN MACHINE	0	0			\$0.00
COMPASS MARKET	0	0			\$0.00
DVINE CYBER LOUNGE	0	0			\$0.00
FINANCE DEPARTMENT	96	56			\$3,660.00
KOSHER WORLD	0	0			\$0.00
LEE ANN DRUGS	0	50			\$1,125.00
NEWS CAFE	0	0			\$0.00
PARKING DEPT. - Customer Service	135	139		\$0.00	\$6,502.50
PARKING DEPT. - Garages	10	0			\$250.00
PUBLIX SUPERMARKET	0	1,965			\$44,212.50
SHEMTOV'S	0	0			\$0.00
SUNSET CAFÉ	0	0			\$0.00
PARKING MACHINE - Cash	-	-	\$2,845.00		\$2,845.00
PARKING MACHINE - Credit Cards	-	-	\$2,635.00		\$2,635.00
WOLFSONIAN	0	0			\$0.00
ZELICK'S TOBACCO	0	0			\$0.00
<b>TOTAL # OF CARDS</b>	<b>241</b>	<b>2,210</b>			<b>2,451</b>
<b>TOTAL \$ AMOUNT</b>	<b>\$6,025.00</b>	<b>\$49,725.00</b>	<b>\$5,480.00</b>	<b>\$0.00</b>	<b>\$61,230.00</b>

**CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
DEBIT CARD REVENUE - YEAR TO DATE  
October 2004 - February 2005**

<b>VENDOR</b>	<b># of CARDS \$25</b>	<b># of CARDS with 10% Discount \$22.50</b>	<b>MACHINE SALES \$ Amount</b>	<b>REFUNDS \$ Amount</b>	<b>TOTAL</b>
BAY SUPERMARKET	0	0			\$0.00
BEACH BANK	0	0			\$0.00
BRIGHAM GARDENS	0	0			\$0.00
CHAMBER OF COMMERCE	0	60			\$1,350.00
CLEAN MACHINE	0	0			\$0.00
COMPASS MARKET	0	0			\$0.00
DVINE CYBER LOUNGE	0	0			\$0.00
FINANCE DEPARTMENT	366	341			\$16,822.50
KOSHER WORLD	0	0			\$0.00
LEE ANN DRUGS	0	200			\$4,500.00
NEWS CAFE	0	0			\$0.00
PARKING DEPT. - Customer Service	808	699		\$0.00	\$35,927.50
PARKING DEPT. - Garages	36	0			\$900.00
PUBLIX SUPERMARKET	0	10,765			\$242,212.50
SHEMTOV'S	0	0			\$0.00
SUNSET CAFÉ	0	0			\$0.00
PARKING MACHINE - Cash	-	-	\$15,015.00		\$15,015.00
PARKING MACHINE - Credit Cards	-	-	\$13,740.00		\$13,740.00
WOLFSONIAN	0	0			\$0.00
ZELICK'S TOBACCO	0	40			\$900.00
<b>TOTAL # OF CARDS</b>	<b>1,210</b>	<b>12,105</b>			<b>13,315</b>
<b>TOTAL \$ AMOUNT</b>	<b>\$30,250.00</b>	<b>\$272,362.50</b>	<b>\$28,755.00</b>	<b>\$0.00</b>	<b>\$331,367.50</b>

CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
17th Street Garage - 2G

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
<b>17th Street Garage - 2G</b>														
Revenue-Ticket	480-8000-344583	147,297.18	172,845.81	160,111.23	180,829.02	213,845.81								874,729.05
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00								31,500.00
Revenue-Monthly Permits	480-8000-344514	55,980.00	57,120.00	56,460.00	56,160.00	57,720.00								283,440.00
<b>17th St. - 2G REVENUE</b> (Sales Tax Excluded)		209,577.18	236,065.81	222,871.23	243,289.02	277,865.81	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,189,669.05
<b>Expenses</b>														
Security Personnel		21,092.12	15,849.77	15,852.84	19,941.82	15,941.80								88,678.35
Attendant/Cashier Labor		41,006.44	51,214.30	44,920.57	80,488.29	85,524.18								303,153.78
FP&L		6,473.39	5,949.62	6,369.53	6,892.30	6,892.30								32,577.14
Revenue Control Equipment Maintenance		1,666.67	4,551.67	2,101.67	1,666.67	1,666.67								11,653.35
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00								2,100.00
Elevator Maintenance		483.60	425.00	425.00	425.00	425.00								2,183.60
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33								541.65
Garage Cleaning/Maintenance		10,820.00	10,820.00	10,820.00	10,820.00	10,820.00								54,100.00
<b>17th St. - 2G EXPENSES</b>		82,070.55	89,338.69	81,017.94	120,762.41	121,798.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	494,987.87
<b>17th St. PROFIT/(LOSS)</b>		127,506.63	146,727.12	141,853.29	122,526.61	156,067.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	694,681.18

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
<b>17th Street Garage - 2G</b>														
Revenue-Ticket	480-8000-344583	126,299.54	162,005.37	140,671.96	158,906.54	210,057.03	154,691.53	127,139.34	153,750.35	114,394.40	108,808.42	106,967.29	75,012.15	1,638,703.92
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	53,760.00	56,760.00	54,960.00	54,000.00	53,760.00	57,360.00	57,780.00	57,680.00	57,780.00	58,020.00	57,080.00	57,900.00	678,800.00
<b>17th St. - 2G REVENUE</b> (Sales Tax Excluded)		186,359.54	225,065.37	201,931.96	219,206.54	270,117.03	218,351.53	191,219.34	217,710.35	178,474.40	173,128.42	170,327.29	139,212.15	2,391,103.92
<b>Expenses</b>														
Security Personnel		15,895.40	16,574.30	16,802.34	15,494.05	17,601.32	16,653.45	15,804.17	19,951.32	15,922.37	16,095.17	19,972.49	14,711.73	201,479.11
Attendant/Cashier Labor		41,511.91	48,342.11	40,772.36	36,234.53	52,732.42	40,835.62	45,314.47	46,946.34	44,991.49	37,865.26	48,178.56	43,040.60	526,765.67
FP&L		6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.68
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	2,516.67	9,060.56	1,936.67	28,513.93
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Elevator Maintenance		738.00	613.00	613.00	800.50	613.00	613.00	425.00	425.00	30,453.50	425.00	425.00	425.00	36,569.00
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	312.33	108.33	108.33	108.33	108.33	1,503.96
Garage Cleaning/Maintenance		5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,421.08	5,696.08	5,595.08	5,331.08	10,820.00	70,180.88
<b>17th St. - 2G EXPENSES</b>		72,145.78	79,528.88	72,187.17	66,528.55	84,946.21	72,101.54	75,543.11	81,616.13	105,731.83	69,498.90	89,969.41	77,935.72	947,733.23
<b>17th St. PROFIT/(LOSS)</b>		114,213.76	145,536.49	129,744.79	152,677.99	185,170.82	146,249.99	115,676.23	136,094.22	72,742.57	103,629.52	80,357.88	61,276.43	1,443,370.69

CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
17th Street Garage - 2G

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
<b>17th Street Garage - 2G</b>														
Revenue-Ticket	480-8000-344583	126,299.54	162,005.37	140,671.96	158,906.54	210,057.03	154,691.53	127,139.34	153,750.35	114,394.40	108,808.42	106,967.29	75,012.15	1,638,703.92
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	53,760.00	56,760.00	54,960.00	54,000.00	53,760.00	57,360.00	57,780.00	57,660.00	57,780.00	58,020.00	57,060.00	57,900.00	676,800.00
<b>17th St. - 2G REVENUE</b> (Sales Tax Excluded)		186,359.54	225,065.37	201,931.96	219,206.54	270,117.03	218,351.53	191,219.34	217,710.35	178,474.40	173,128.42	170,327.29	139,212.15	2,391,103.92
<b>Expenses</b>														
Security Personnel		15,896.40	16,574.30	16,802.34	15,494.05	17,601.32	16,653.45	15,804.17	19,951.32	15,922.37	16,095.17	19,972.49	14,711.73	201,479.11
Attendant/Cashier Labor		41,511.91	48,342.11	40,772.36	36,234.53	52,732.42	40,835.62	45,314.47	46,946.34	44,991.49	37,865.26	48,178.56	43,040.60	526,765.67
FP&L		6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.68
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	2,516.67	9,060.56	1,936.67	28,513.93
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Elevator Maintenance		738.00	613.00	613.00	800.50	613.00	613.00	425.00	425.00	30,453.50	425.00	425.00	425.00	36,569.00
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	312.33	108.33	108.33	108.33	108.33	1,503.96
Garage Cleaning/Maintenance		5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,421.08	5,696.08	5,595.08	5,331.08	10,820.00	70,180.88
<b>17th St. - 2G EXPENSES</b>		72,145.78	79,528.88	72,187.17	66,528.55	84,946.21	72,101.54	75,543.11	81,616.13	105,731.83	69,498.90	89,969.41	77,935.72	947,733.23
<b>17th St. PROFIT/(LOSS)</b>		114,213.76	145,536.49	129,744.79	152,677.99	185,170.82	146,249.99	115,676.23	136,094.22	72,742.57	103,629.52	80,357.86	61,276.43	1,443,370.69

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
<b>17th St. Garage - 2G</b>														
Revenue-Ticket	480-8000-344583	105,641.20	159,877.65	136,339.53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	60,000.00	61,560.00	59,820.00	56,760.00	57,960.00	58,740.00	58,680.00	53,460.00	54,300.00	55,920.00	53,160.00	53,220.00	683,560.00
<b>17th St. - 2G REVENUE</b> (Sales Tax Excluded)		171,941.20	227,737.65	202,459.53	216,172.01	263,681.53	212,346.63	164,819.26	195,219.72	152,778.14	164,516.41	165,976.89	150,845.39	2,288,494.36
<b>Expenses</b>														
Security Personnel		16,561.95	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	16,480.25	20,599.69	16,233.62	215,285.88
Attendant/Cashier Labor		33,192.78	56,266.32	36,137.49	39,265.13	48,329.64	37,381.35	32,521.25	34,321.57	59,870.86	35,809.78	34,812.81	42,003.65	489,938.65
FP&L		5,352.35	5,507.51	6,007.59	5,672.16	9,827.33	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.67
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,851.67	1,666.67	20,379.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	6,376.75	13,119.75
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	5,331.08	5,578.58	5,331.08	5,331.08	5,331.08	51,985.98
<b>17th St. - 2G EXPENSES</b>		61,304.26	84,607.48	64,891.44	71,815.09	81,766.37	66,523.56	67,843.68	65,673.56	95,428.13	66,937.50	70,314.97	78,619.49	875,745.55
<b>17th St. PROFIT/(LOSS)</b>		110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,661.92	72,225.90	1,412,748.81

CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
7th Street Garage - 1G

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	155,800.01	128,321.49	128,085.97	152,852.34	147,168.61								710,228.42
Revenue-Monthly Permits	142-8000-344404	13,850.00	13,800.00	13,800.00	13,800.00	16,425.00								71,475.00
7th Street Garage - 1G REVENUE (Sales Tax Excluded)		169,450.01	142,121.49	139,885.97	166,652.34	163,593.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	781,703.42
Expenses														
Security														
Attendant/Cashier Labor		27,049.21	21,202.56	20,947.96	28,251.69	21,135.07								113,586.49
Landscape Maintenance		17,762.75	17,406.81	17,511.32	27,564.05	23,751.16								104,016.09
FP&L		1,605.67	918.67	2,417.67	1,546.42	1,178.67								7,687.10
Revenue Control Equipment Maintenance		3,067.37	3,067.37	2,452.54	2,705.35	2,328.41								13,621.04
Garage Cleaning/Maintenance		880.15	700.00	700.00	700.00	700.00								3,660.15
Armed Guard Revenue Pickup		9,242.00	9,242.00	9,242.00	9,242.00	9,242.00								46,210.00
Elevator Maintenance		420.00	420.00	420.00	420.00	420.00								2,100.00
Surveillance System Maintenance		1,065.17	1,065.17	1,065.17	1,410.17	1,065.17								5,670.85
7th St. Garage - 1G EXPENSES		61,141.41	54,633.99	55,368.07	72,451.09	60,770.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	304,927.77
7th St. - 1G Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00								287,500.00
7th St. - 1G PROFIT/(LOSS)		48,246.28	27,987.50	25,017.90	34,701.25	43,322.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	179,275.65

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	139,529.56	139,842.06	130,241.12	167,042.06	164,871.96	219,217.76	169,714.95	173,072.90	138,058.07	172,876.64	157,222.43	82,198.12	1,853,887.63
Revenue-Monthly Permits	142-8000-344404	13,050.00	13,237.50	13,482.50	13,500.00	13,800.00	13,725.00	13,725.00	13,350.00	13,725.00	13,800.00	13,800.00	13,800.00	162,975.00
7th Street Garage - 1G REVENUE (Sales Tax Excluded)		152,579.56	153,079.56	143,703.62	180,542.06	178,671.96	232,942.76	183,439.95	186,422.90	151,783.07	186,676.64	171,022.43	95,998.12	2,016,862.63
Expenses														
Security														
Attendant/Cashier Labor		21,049.40	21,816.06	24,181.09	21,727.10	20,960.22	23,119.75	21,349.80	28,211.80	21,233.24	22,052.26	28,852.89	17,055.31	269,608.92
Landscape Maintenance		17,797.52	17,668.48	17,422.60	17,959.47	17,642.05	18,282.80	17,863.50	17,748.27	17,815.82	17,998.44	22,276.54	19,097.97	219,573.46
FP&L		918.67	1,114.00	918.67	918.67	848.00	918.67	918.67	918.67	918.67	14,404.67	918.67	16,581.67	40,297.70
Revenue Control Equipment Maintenance		3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,808.44
Garage Cleaning/Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	1,200.00	8,900.00
Armed Guard Revenue Pickup		4,864.00	4,699.00	4,765.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	9,242.00	62,729.50
Elevator Maintenance		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Surveillance System Maintenance		1,729.00	1,202.00	2,271.50	985.00	1,460.42	985.00	1,202.00	2,817.42	2,592.67	2,360.17	2,360.17	2,050.17	22,015.52
7th St. Garage - 1G EXPENSES		51,080.56	51,221.51	54,490.83	51,176.21	50,496.66	52,892.19	50,919.94	59,282.13	54,088.95	68,648.01	61,994.24	69,249.09	673,521.32
7th St. - 1G Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. - 1G PROFIT/(LOSS)		41,999.00	42,358.05	29,712.79	69,865.85	68,675.30	120,550.57	73,020.01	67,640.77	38,214.12	60,527.63	49,528.19	(32,750.97)	629,341.31

CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
7th Street Garage - 1G

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	139,529.56	139,842.06	130,241.12	167,042.08	164,871.96	219,217.76	189,714.95	173,072.90	138,058.07	172,876.64	157,222.43	82,198.12	1,853,887.63
Revenue-Monthly Permits	142-8000-344404	13,050.00	13,237.50	13,462.50	13,500.00	13,800.00	13,725.00	13,725.00	13,350.00	13,725.00	13,900.00	13,800.00	13,800.00	162,975.00
7th Street Garage - 1G REVENUE (Sales Tax Excluded)		152,579.56	153,079.56	143,703.62	180,542.08	178,671.96	232,942.76	183,439.95	186,422.90	151,783.07	186,776.64	171,022.43	95,998.12	2,016,862.63
Expenses														
Security		21,049.40	21,816.06	24,181.09	21,727.10	20,960.22	23,119.75	21,349.80	28,211.80	21,233.24	22,052.26	28,852.89	17,055.31	269,608.92
Attendant/Cashier Labor		17,797.52	17,668.48	17,422.60	17,959.47	17,842.05	18,282.80	17,863.50	17,748.27	17,815.62	17,998.44	22,276.54	19,097.97	219,573.46
Landscape Maintenance		3,087.37	3,087.37	3,087.37	3,087.37	3,087.37	3,087.37	3,087.37	3,087.37	3,087.37	3,087.37	3,087.37	3,087.37	40,297.70
FP&L		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,900.00
Revenue Control Equipment Maintenance		4,864.00	4,864.00	4,765.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	9,242.00	62,729.50
Garage Cleaning/Maintenance		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Armed Guard Revenue Pickup		1,729.00	1,202.00	2,271.50	985.00	1,460.42	985.00	1,202.00	2,817.42	2,592.67	2,360.17	2,360.17	2,050.17	22,015.52
Elevator Maintenance		534.60	534.60	744.80	534.60	534.60	534.60	534.60	534.60	534.60	534.60	534.60	534.60	8,547.78
Surveillance System Maintenance		51,080.56	51,221.51	54,490.83	51,176.21	50,496.66	52,892.19	50,919.94	59,282.13	54,068.95	66,649.01	61,994.24	69,249.09	673,521.32
7th St. Garage - 1G EXPENSES		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. - 1G Estimated Debt Service		41,999.00	42,358.05	29,712.79	69,865.85	68,675.30	120,550.57	73,020.01	67,640.77	38,214.12	60,527.63	49,528.19	(32,750.97)	629,341.31
7th St. - 1G PROFIT/(LOSS)														

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	136,186.19	137,501.35	140,246.61	148,182.44	153,858.76	221,547.82	161,549.46	174,847.57	133,750.47	164,101.85	178,871.59	120,362.30	1,871,006.41
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,125.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200.00	13,200.00	157,200.00
7th Street Garage - 1G REVENUE (Sales Tax Excluded)		149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Expenses														
Security		21,087.06	20,743.70	20,245.12	26,257.88	21,150.87	21,933.85	26,125.51	22,612.39	25,778.86	21,024.44	27,128.97	21,014.42	275,103.07
Attendant/Cashier Labor		16,755.52	25,273.02	16,806.12	17,276.43	16,684.70	17,684.64	16,755.04	16,893.83	25,407.34	16,835.01	17,385.71	17,618.06	221,385.42
Landscape Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	11,808.00
FP&L		2,867.70	2,747.44	2,709.51	2,462.61	4,749.59	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,806.44
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	4,864.00	4,864.00	58,615.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	1,180.88	1,264.84	1,936.44	1,180.88	1,180.88	1,295.00	13,948.92
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	495.00	495.00	495.00	1,855.00	580.00	2,810.80	9,352.60
7th St. Garage - 1G EXPENSES		48,997.46	57,251.34	48,247.93	54,484.10	51,052.34	51,183.04	54,623.65	51,462.28	63,932.36	60,420.37	62,795.60	52,708.12	657,178.59
7th St. - 1G Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. - 1G PROFIT/(LOSS)		40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	57,231.48	69,775.99	21,354.18	657,027.82

CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
17th Street Lots - 5A East and West

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
<b>17th Street Lots - 5A East and West</b>														
Revenue-Ticket	480-8000-344515	147,540.55	134,285.03	144,999.03	157,629.02	132,532.73								716,986.36
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00								0.00
Revenue-Monthly Permits	480-8000-344596	18,300.00	17,820.00	16,920.00	16,980.00	16,860.00								86,880.00
<b>17th Lots - 5A REVENUE</b> (Sales Tax Excluded)		165,840.55	152,105.03	161,919.03	174,609.02	149,392.73	0.00	0.00	0.00	0.00	0.00	0.00	0.00	803,866.36
<b>Expenses</b>														
Security Personnel		1,079.76	975.47	751.54	1,116.57	868.11								4,791.45
Attendant/Cashier Labor		20,954.86	23,786.82	21,613.21	39,939.99	34,545.43								140,840.31
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67								8,333.35
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67								2,513.35
FP&L		391.48	391.48	391.48	391.48	391.48								1,957.40
<b>17th Lots - 5A EXPENSES</b>		24,595.44	27,323.11	24,925.57	43,617.38	37,974.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	158,435.86
<b>17th Lots PROFIT/(LOSS)</b>		141,245.11	124,781.92	136,993.46	130,991.64	111,418.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	645,430.50

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
<b>17th Street Lots - 5A East and West</b>														
Revenue-Ticket	480-8000-344515	123,301.93	135,390.66	142,474.77	153,204.65	157,831.80	163,559.82	141,769.18	149,018.68	120,878.55	126,481.32	123,772.91		83,556.53 1,621,240.80
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00
Revenue-Monthly Permits	480-8000-344596	16,800.00	18,360.00	15,960.00	16,200.00	15,660.00	15,660.00	16,560.00	16,800.00	17,940.00	17,820.00	17,520.00		202,980.00
<b>17th Lots - 5A REVENUE</b> (Sales Tax Excluded)		140,101.93	153,750.66	158,434.77	169,404.65	173,491.80	179,219.82	158,329.18	165,818.68	138,818.55	144,301.32	141,292.91		1,012,565.53 1,824,220.80
<b>Expenses</b>														
Security Personnel		1,404.71	738.66	880.37	662.58	1,319.03	883.44	953.99	1,128.84	883.44	828.23	1,174.86		539.89 11,398.04
Attendant/Cashier Labor		20,826.85	24,230.94	20,510.75	20,463.71	23,729.34	22,161.85	21,289.27	22,812.35	21,621.05	18,258.77	23,687.56		20,393.19 259,985.64
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	3,722.78		1,666.67 22,056.15
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67		6,032.04
FP&L		391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48		4,697.76
<b>17th Lots - 5A EXPENSES</b>		24,792.38	27,530.42	23,951.94	23,687.11	27,609.19	25,606.11	24,804.08	26,502.01	25,065.32	21,647.82	29,479.35		23,483.90 304,169.63
<b>17th Lots PROFIT/(LOSS)</b>		115,309.55	126,220.24	134,482.83	145,717.54	145,882.61	153,613.71	133,525.10	139,316.67	113,753.23	122,653.50	111,813.56		77,762.63 1,520,051.17

CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
17th Street Lots - 5A East and West

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
<b>17th Street Lots - 5A East and West</b>														
Revenue-Ticket	480-8000-344515	123,301.93	135,390.66	142,474.77	153,204.65	157,831.80	163,559.82	141,769.18	149,018.68	120,878.55	126,481.32	123,772.91	83,556.53	1,621,240.80
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	16,800.00	18,360.00	15,960.00	16,200.00	15,660.00	15,660.00	16,560.00	16,800.00	17,940.00	17,820.00	17,520.00	17,700.00	202,980.00
<b>17th Lots - 5A REVENUE</b>														
(Sales Tax Excluded)		140,101.93	153,750.66	158,434.77	169,404.65	173,491.80	179,219.82	158,329.18	165,818.68	138,818.55	144,301.32	141,292.91	101,256.53	1,824,220.80
<b>Expenses</b>														
Security Personnel		1,404.71	738.66	880.37	662.58	1,319.03	883.44	953.99	1,128.84	883.44	829.23	1,174.86	539.89	11,398.04
Attendant/Cashier Labor		20,826.85	24,230.94	20,510.75	20,463.71	23,729.34	22,181.85	21,289.27	22,812.35	21,621.06	18,258.77	23,687.56	20,393.19	259,985.64
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	3,722.78	1,666.67	22,056.15
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
<b>17th Lots - 5A EXPENSES</b>														
		24,792.38	27,530.42	23,951.94	23,667.11	27,609.19	25,606.11	24,804.08	26,502.01	25,065.32	21,647.82	29,479.35	23,493.90	304,169.63
<b>17th Lots PROFIT/(LOSS)</b>														
		115,309.55	126,220.24	134,482.83	145,717.54	145,882.61	153,613.71	133,525.10	139,316.67	113,753.23	122,653.50	111,813.56	77,762.63	1,520,051.17

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
<b>17th Street Lots - 5A East and West</b>														
Revenue-Ticket	480-8000-344515	105,889.88	120,891.93	120,890.56	132,337.75	139,792.51	139,949.44	111,002.09	127,300.47	107,680.68	111,796.59	110,433.27	99,008.57	1,426,973.74
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	17,820.00	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.00
<b>17th Lots - 5A REVENUE</b>														
(Sales Tax Excluded)		123,709.88	139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.68	127,696.59	126,993.27	115,988.57	1,633,733.74
<b>Expenses</b>														
Security Personnel		1,883.74	1,884.70	1,797.93	2,334.72	1,591.97	1,750.52	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20	1,687.74	22,655.30
Attendant/Cashier Labor		17,939.85	30,340.05	19,183.60	21,628.82	22,409.89	20,603.96	18,238.36	18,745.80	30,790.29	17,290.61	17,265.92	20,813.79	255,250.94
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,831.67	1,666.67	1,666.67	20,359.04
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		366.87	350.40	332.23	322.18	563.72	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
<b>17th Lots - 5A EXPENSES</b>														
		22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915.30	22,957.07	23,286.72	35,523.92	21,760.41	21,689.94	25,062.35	308,995.08
<b>17th Lots PROFIT/(LOSS)</b>														
		101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876.76	105,936.18	105,303.33	90,926.22	1,324,738.66



CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
12th Street Garage - 2A

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
12th Street Garage - 2A	Revenue-Ticket	30,426.16	28,304.67	28,033.65	33,959.80	30,588.77								151,313.05
	Revenue-Monthly Permits	4,860.00	4,800.00	4,860.00	3,960.00	3,840.00								22,320.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	35,286.16	33,104.67	32,893.65	37,919.80	34,428.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	173,633.05
Expenses	Security Personnel	9,368.15	7,495.96	7,426.42	9,748.51	12,668.78								46,708.82
	Attendant/Cashier Labor	7,077.27	7,064.21	7,132.13	11,864.49	9,852.08								43,010.18
	FP&L	108.54	108.54	108.54	108.54	108.54								542.70
	Elevator Maintenance	487.50	125.00	125.00	125.00	125.00								987.50
	Garage Cleaning/Maintenance	1,521.00	1,285.00	1,521.00	1,521.00	1,521.00								7,369.00
	12th St. - 2A EXPENSES	18,562.46	16,079.71	16,313.09	23,387.54	24,275.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	98,618.20
	12th St. - 2A PROFIT/(LOSS)	16,723.70	17,024.96	16,580.56	14,532.26	10,153.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75,014.85

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
12th Street Garage - 2A	Revenue-Ticket	26,360.74	25,345.79	24,450.45	29,463.54	29,428.03	38,480.37	31,798.13	32,760.77	25,388.79	29,747.65	30,476.60	18,809.37	342,510.23
	Revenue-Monthly Permits	5,220.00	5,100.00	5,040.00	4,740.00	4,740.00	4,800.00	4,920.00	4,860.00	4,860.00	4,980.00	5,100.00	4,860.00	59,220.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	31,580.74	30,445.79	29,490.45	34,203.54	34,168.03	43,280.37	36,718.13	37,620.77	30,248.79	34,727.65	35,576.60	23,669.37	401,730.23
Expenses	Security Personnel	8,219.46	8,844.80	9,107.41	8,233.17	10,306.80	8,013.11	8,245.44	10,395.76	8,230.11	7,938.69	9,365.08	6,408.01	103,307.84
	Attendant/Cashier Labor	7,247.06	7,241.85	7,200.05	7,215.73	7,184.37	7,226.18	7,210.50	7,602.38	7,354.19	7,113.84	8,960.87	8,015.15	89,672.19
	FP&L	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.48
	Elevator Maintenance	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	5,462.00
	Garage Cleaning/Maintenance	1,540.75	1,532.50	1,540.75	1,540.75	1,524.25	1,540.75	1,532.50	1,532.50	1,540.75	1,590.25	1,540.75	1,521.00	18,477.50
	12th St. - 2A EXPENSES	17,240.83	17,862.69	18,081.75	17,223.19	19,248.96	17,013.58	17,221.98	19,764.18	17,358.59	16,876.32	24,062.24	16,177.70	218,122.01
	12th St. - 2A PROFIT/(LOSS)	14,339.91	12,583.10	11,408.70	16,980.35	14,919.07	26,266.79	19,496.15	17,856.59	12,890.20	17,851.33	11,514.36	7,491.67	183,608.22

CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
12th Street Garage - 2A

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
12th Street Garage - 2A Revenue-Ticket	480-8000-344504	26,360.74	25,945.79	24,450.45	29,463.54	29,428.03	38,480.37	31,798.13	32,760.77	25,388.79	29,747.65	30,476.60	18,809.37	342,510.23
	480-8000-344593	5,220.00	5,100.00	5,040.00	4,740.00	4,740.00	4,800.00	4,920.00	4,860.00	4,860.00	4,980.00	5,100.00	4,860.00	59,220.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	31,580.74	30,445.79	29,490.45	34,203.54	34,168.03	43,280.37	36,718.13	37,620.77	30,248.79	34,727.65	35,576.60	23,669.37	401,730.23
Expenses	Security Personnel	8,219.46	8,844.80	9,107.41	8,233.17	10,306.80	8,013.11	8,246.44	10,395.76	8,230.11	7,938.69	9,365.08	6,408.01	103,307.84
	Attendant/Cashier Labor	7,247.08	7,241.85	7,200.05	7,215.73	7,184.37	7,226.18	7,210.50	7,802.38	7,354.19	7,113.84	8,960.87	8,015.15	89,572.19
	FP&L	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.48
	Elevator Maintenance	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	1,462.00
	Garage Cleaning/Maintenance	1,540.75	1,532.50	1,540.75	1,540.75	1,524.25	1,540.75	1,532.50	1,532.50	1,540.75	1,590.25	1,540.75	1,521.00	18,477.50
	12th St. - 2A EXPENSES	17,240.83	17,852.69	18,081.75	17,223.19	19,248.96	17,013.55	17,221.98	19,764.18	17,358.59	16,876.32	24,082.24	18,177.70	218,122.01
	12th St. - 2A PROFIT/(LOSS)	14,339.91	12,593.10	11,408.70	16,980.35	14,919.07	26,266.79	19,496.15	17,856.59	12,890.20	17,851.33	11,514.36	7,491.67	183,608.22

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
12th Street Garage - 2A Revenue-Ticket	480-8000-344504	23,808.81	26,646.02	27,241.35	27,276.87	28,087.39	39,739.49	29,315.86	33,756.05	22,192.23	30,702.84	31,246.72	22,452.33	342,465.96
	480-8000-344593	5,340.00	5,520.00	5,220.00	4,860.00	4,920.00	5,100.00	5,040.00	4,920.00	4,860.00	5,220.00	5,400.00	5,400.00	61,800.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	29,148.81	32,166.02	32,461.35	32,136.87	33,007.39	44,839.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,265.96
Expenses	Security Personnel	8,245.44	8,232.15	8,235.63	10,779.20	8,166.92	8,233.17	10,238.91	8,237.06	10,302.50	8,241.55	10,299.64	8,252.59	107,464.76
	Attendant/Cashier Labor	7,054.55	10,280.84	6,892.87	7,315.74	6,912.77	7,052.06	6,810.78	6,945.10	10,775.85	7,497.33	7,173.01	7,672.92	92,383.82
	FP&L	102.79	81.67	98.93	90.60	168.69	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.46
	Elevator Maintenance	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	1,462.00
	Garage Cleaning/Maintenance	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,557.25	1,532.50	1,763.50	1,540.75	1,540.75	1,532.50	19,101.75
	12th St. - 2A EXPENSES	17,133.53	20,325.41	16,968.18	19,916.29	16,979.13	17,124.62	18,715.48	16,823.20	22,950.39	17,388.17	19,288.61	17,691.55	221,294.46
	12th St. - 2A PROFIT/(LOSS)	12,015.28	11,840.61	15,503.17	12,220.58	16,028.26	27,714.97	15,640.38	21,852.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
13th Street Garage - 17A

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
13th Street Garage - 17A Revenue-Ticket	480-8000-344566	40,924.28	49,370.08	49,987.85	61,116.83	59,138.34								260,537.36
Revenue-Monthly Permits	480-8000-344527	8,400.00	8,340.00	8,640.00	8,520.00	8,520.00								42,420.00
13th St. - 17A REVENUE (Sales Tax Excluded)		49,324.28	57,710.08	58,627.85	69,636.83	67,658.34	0.00	0.00	0.00	0.00	0.00	0.00	0.00	302,957.36
Expenses														
Security Personnel		12,276.14	9,637.48	9,843.61	12,865.09	9,914.16								54,736.48
Attendant/Cashier Labor		15,477.93	15,298.85	15,169.47	24,685.51	20,272.64								90,905.40
Landscape Maintenance		420.67	519.67	216.67	216.67	216.67								1,590.35
FP&L		1,404.98	1,372.89	1,419.60	1,694.00	1,531.15								7,422.62
Revenue Control Equipment Maintenance		750.00	750.00	750.00	750.00	750.00								3,750.00
Elevator Maintenance		680.13	170.00	170.00	170.00	170.00								1,360.13
Armed Guard Revenue Pickup		1,521.00	420.00	420.00	420.00	420.00								2,100.00
Garage Cleaning/Maintenance		32,950.85	29,890.89	29,510.35	42,322.27	34,795.62	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,605.00
13th St. - 17A EXPENSES		16,373.43	27,619.19	29,117.50	27,314.56	32,862.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	189,469.96
13th St. - 17A PROFIT/(LOSS)														133,487.40

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
13th Street Garage - 17A Revenue-Ticket	480-8000-344566	48,388.34	47,130.86	40,100.44	50,649.52	53,792.55	66,648.56	57,641.13	54,078.51	46,663.54	54,472.86	31,909.35	14,673.84	586,149.50
Revenue-Monthly Permits	480-8000-344527	7,740.00	7,680.00	8,520.00	8,100.00	8,580.00	8,280.00	7,500.00	8,460.00	9,120.00	9,120.00	8,340.00	8,400.00	99,840.00
13th St. - 17A REVENUE (Sales Tax Excluded)		56,128.34	54,810.86	48,620.44	58,749.52	62,372.55	74,928.56	65,141.13	62,538.51	55,783.54	63,592.86	40,249.35	23,073.84	685,989.50
Expenses														
Security Personnel		9,885.08	10,533.80	10,736.25	8,648.94	9,770.00	9,855.68	9,779.19	12,638.10	9,885.08	9,993.91	12,346.69	8,122.74	122,155.46
Attendant/Cashier Labor		15,303.89	15,397.71	15,269.80	15,170.25	15,470.86	15,516.07	15,327.27	15,273.85	15,144.77	15,186.57	18,836.90	16,921.34	188,819.28
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	3,319.04
FP&L		1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,889.76
Revenue Control Equipment Maintenance		737.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	8,250.00
Elevator Maintenance		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	3,723.78
Armed Guard Revenue Pickup		1,450.00	1,450.00	1,450.00	1,450.00	1,450.00	1,450.00	1,318.00	1,318.00	1,483.00	1,318.00	1,450.00	1,521.00	5,040.00
Garage Cleaning/Maintenance		29,397.62	30,485.16	30,592.70	28,372.94	29,794.51	29,958.40	29,386.11	32,468.78	29,454.50	29,566.73	36,314.24	29,526.73	17,174.00
13th St. - 17A EXPENSES		26,730.72	24,325.70	18,027.74	30,376.68	32,578.04	44,970.16	35,755.02	30,049.73	26,329.04	34,023.13	3,935.11	(6,452.89)	300,648.18
13th St. - 17A PROFIT/(LOSS)														

CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
13th Street Garage - 17A

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	48,388.34	47,130.86	40,100.44	50,849.52	53,792.55	66,648.56	57,641.13	54,078.51	46,663.54	54,472.86	31,909.35	14,673.84	566,149.50
Revenue-Monthly Permits	480-8000-344527	7,740.00	7,680.00	8,520.00	8,100.00	8,580.00	8,280.00	7,500.00	8,460.00	9,120.00	9,120.00	8,340.00	8,400.00	99,840.00
	13th St. - 17A REVENUE (Sales Tax Excluded)	56,128.34	54,810.86	48,620.44	58,749.52	62,372.55	74,928.56	65,141.13	62,538.51	55,783.54	63,592.86	40,249.35	23,073.84	665,989.50
Expenses														
Security Personnel		9,865.08	10,533.80	10,736.25	8,848.94	9,770.00	9,855.88	9,779.19	12,638.10	9,865.08	9,993.91	12,348.69	8,122.74	122,155.46
Attendant/Cashier Labor		15,303.89	15,397.71	15,269.80	15,170.25	15,470.86	15,516.07	15,327.27	15,273.85	15,144.77	15,186.57	18,836.90	16,921.34	188,818.28
Landscaping Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	935.67	216.67	3,319.04
FP&L		1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.76
Revenue Control Equipment Maintenance		0.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	8,250.00
Elevator Maintenance		737.00	312.00	312.00	312.00	312.00	312.00	170.00	467.18	170.00	279.60	170.00	170.00	3,723.78
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Garage Cleaning/Maintenance		1,450.00	1,450.00	1,483.00	1,450.00	1,450.00	1,483.00	1,318.00	1,318.00	1,483.00	1,318.00	1,450.00	1,521.00	17,174.00
	13th St. - 17A EXPENSES	29,397.62	30,485.16	30,592.70	28,372.84	29,794.51	29,958.40	29,386.11	32,488.78	28,454.50	29,569.73	38,314.24	29,528.73	365,341.32
	13th St. -17A PROFIT/(LOSS)	26,730.72	24,325.70	18,027.74	30,376.68	32,578.04	44,970.16	35,755.02	30,049.73	26,329.04	34,023.13	3,935.11	(6,452.89)	300,648.18

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43,317.00	47,741.10	52,219.62	39,794.83	593,059.39
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,860.00	8,520.00	8,590.00	8,280.00	7,800.00	7,800.00	96,180.00
	13th St. - 17A REVENUE (Sales Tax Excluded)	52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.39
Expenses														
Security Personnel		10,242.83	10,602.13	10,541.72	13,658.91	10,514.70	10,737.48	12,820.10	10,737.48	12,861.21	10,423.37	13,306.82	10,177.97	136,108.05
Attendant/Cashier Labor		14,601.28	21,909.69	14,624.04	15,328.91	14,675.83	14,744.77	14,598.18	14,460.50	21,779.99	14,556.50	14,996.27	15,185.54	191,459.50
Landscaping Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,150.96	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.78
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	269.00
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	0.00	0.00	0.00	312.00	624.00	313.50	5,899.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,450.00	1,598.50	1,450.00	1,450.00	1,483.00	17,812.50
	13th St. - 17A EXPENSES	28,516.02	36,205.39	28,962.74	32,752.54	29,690.62	28,891.31	31,040.11	29,025.81	38,378.53	28,848.52	32,523.74	32,027.66	377,062.99
	13th St. -17A PROFIT/(LOSS)	24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,882.97	13,518.47	27,172.58	27,495.88	15,567.17	312,176.40

**CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
16th Street - Anchor Garage**

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	88,800.95	82,514.96	86,304.68	112,249.71	122,302.81								491,973.11
Revenue - Valet	463-8000-344587	20,704.68	21,289.74	22,289.72	15,603.28	29,800.94								109,488.36
Revenue-Monthly Permits	463-8000-344903	28,760.00	30,060.00	30,450.00	30,850.00	30,800.00								150,720.00
16th St. Anchor - REVENUE (Sales Tax Excluded)		138,065.63	133,864.70	139,044.40	158,502.99	182,703.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	752,181.47
Expenses														
Security Personnel		15,977.39	12,631.97	12,484.73	15,631.96	12,666.78								68,784.83
Attendant/Cashier Labor		16,056.04	16,109.36	16,350.94	26,132.55	23,955.70								98,604.59
FP&L		4,138.44	4,138.44	3,384.80	3,942.83	4,252.58								19,857.09
Revenue Control Equipment Maintenance		775.00	775.00	775.00	775.00	775.00								3,875.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00								2,100.00
Elevator Maintenance		1,675.97	1,097.97	2,457.97	1,097.97	1,442.97								7,772.85
Landscape and Lot Maintenance		152.00	190.00	190.00	152.00	152.00								836.00
Garage Cleaning/Maintenance		9,242.00	9,242.00	9,242.00	9,242.00	9,242.00								46,210.00
Sanitation (Waste Removal)		179.01	179.01	179.01	179.01	179.01								895.05
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00								1,250.00
16th St. - Anchor EXPENSES		48,265.85	45,033.75	45,734.45	57,823.32	53,338.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	250,195.41
16th St. PROFIT/(LOSS)		89,799.78	88,830.95	93,309.95	100,679.67	129,365.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	501,986.06

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	76,425.24	85,206.68	86,298.69	94,582.18	118,038.51	164,273.90	101,423.32	99,089.99	74,747.67	100,624.29	100,260.84	42,528.02	1,143,529.33
Revenue - Valet	463-8000-344587	20,015.89	20,326.63	26,858.41	14,436.45	37,707.01	20,244.86	13,807.94	20,236.91	21,732.25	28,007.48	37,609.35	3,287.38	264,270.56
Revenue-Monthly Permits	463-8000-344903	26,750.00	28,200.00	23,050.00	23,550.00	28,100.00	29,494.86	28,300.00	28,200.00	29,100.00	28,250.00	27,800.00	27,550.00	328,344.86
16th St. Anchor - REVENUE (Sales Tax Excluded)		123,191.13	133,733.31	136,207.10	132,568.63	183,845.52	214,013.62	143,531.28	147,538.90	125,579.92	156,881.77	185,690.19	73,365.40	1,736,144.75
Expenses														
Security Personnel		12,428.89	10,171.83	13,395.77	13,685.72	9,837.47	13,607.43	13,622.77	17,009.29	15,641.13	13,312.95	16,536.88	10,164.07	159,394.20
Attendant/Cashier Labor		15,887.24	16,050.82	15,831.23	16,378.83	16,584.62	17,423.33	16,028.61	16,430.45	16,116.40	16,122.14	15,889.24	17,947.67	196,890.58
FP&L		3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	196,890.58
Revenue Control Equipment Maintenance		775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	9,975.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Elevator Maintenance		1,278.82	1,743.82	155.00	1,015.32	1,015.32	1,015.32	1,015.32	1,097.97	1,206.47	1,097.97	4,767.13	1,097.97	18,528.43
Landscape and Lot Maintenance		164.67	152.00	164.67	164.67	164.67	164.67	164.67	152.00	152.00	152.00	190.00	152.00	1,938.02
Garage Cleaning/Maintenance		2,924.40	2,924.00	2,924.00	2,924.00	2,924.00	2,924.00	2,924.00	4,889.00	4,864.00	4,864.00	4,864.00	4,864.00	64,194.80
Sanitation (Waste Removal)		171.64	171.64	171.43	181.96	181.96	174.34	171.64	179.01	179.01	179.04	179.01	179.01	2,119.69
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	3,096.30
16th St. - Anchor EXPENSES		38,100.66	36,459.11	37,887.10	39,575.50	35,953.04	40,554.09	58,573.41	44,982.72	43,500.31	41,648.10	47,691.26	39,649.72	504,575.02
16th St. PROFIT/(LOSS)		85,090.47	97,274.20	98,320.00	92,993.13	147,892.48	173,459.53	84,957.85	102,554.18	82,079.61	115,233.67	117,988.93	33,715.68	1,231,569.73

CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
16th Street - Anchor Garage

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
<b>16th Street - Anchor Garage</b>														
Revenue-Ticket	463-8000-344911	76,425.24	85,208.68	86,298.69	94,582.18	118,038.51	164,273.90	101,423.32	99,099.99	74,747.67	100,624.29	100,280.84	42,528.02	1,143,529.33
Revenue - Valet	463-8000-344587	20,015.89	20,328.63	26,858.41	14,436.45	37,707.01	20,244.86	13,807.94	20,236.91	21,732.25	28,007.48	37,609.35	3,287.38	264,270.56
Revenue-Monthly Permits	463-8000-344903	26,750.00	26,200.00	23,050.00	23,550.00	28,100.00	29,494.86	28,300.00	28,200.00	29,100.00	28,250.00	27,800.00	27,550.00	328,344.86
<b>16th St. Anchor - REVENUE</b> (Sales Tax Excluded)		123,191.13	133,733.31	136,207.10	132,568.63	183,845.52	214,013.82	143,531.26	147,536.90	125,579.92	156,881.77	165,690.19	73,365.40	1,736,144.75
<b>Expenses</b>														
Security Personnel		12,428.89	10,171.83	13,395.77	13,665.72	9,837.47	13,607.43	13,622.77	17,009.29	15,641.13	13,312.95	16,536.88	10,164.07	159,394.20
Attendant/Cashier Labor		15,887.24	16,050.82	15,831.23	16,378.83	16,584.62	17,423.33	16,028.61	16,430.45	16,116.40	16,122.14	15,889.24	17,947.87	196,890.58
FP&L		3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	45,600.00
Revenue Control Equipment Maintenance		775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	1,450.00	775.00	775.00	9,975.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Elevator Maintenance		1,276.82	1,743.82	155.00	1,015.32	1,015.32	1,015.32	1,015.32	1,097.97	1,206.47	1,097.97	4,787.13	1,097.97	16,528.43
Landscape and Lot Maintenance		164.67	152.00	164.67	164.67	164.67	164.67	164.67	152.00	152.00	152.00	190.00	152.00	1,938.02
Garage Cleaning/Maintenance		2,924.40	2,924.00	2,924.00	2,924.00	2,924.00	2,924.00	2,924.00	4,869.00	4,864.00	4,864.00	4,864.00	4,864.00	64,194.80
Sanitation (Waste Removal)		171.64	171.64	171.43	181.96	181.96	174.34	171.64	179.01	179.01	179.04	179.01	179.01	2,119.69
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	346.30	250.00	250.00	250.00	3,096.30
<b>16th St. - Anchor EXPENSES</b>		38,100.66	36,459.11	37,887.10	39,575.50	35,953.04	40,554.09	58,573.41	44,982.72	43,500.31	41,648.10	47,691.26	39,649.72	504,575.02
<b>16th St. PROFIT/(LOSS)</b>		85,090.47	97,274.20	98,320.00	92,993.13	147,892.48	173,459.53	84,957.85	102,554.18	82,079.61	115,233.67	117,998.93	33,715.68	1,231,568.73

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
<b>16th Street - Anchor Garage</b>														
Revenue-Ticket	463-8000-344911	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41,602.27	78,888.26	78,940.89	60,237.40	259,668.82
Revenue - Valet	463-8000-344587	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,528.04	27,238.32	20,904.67	20,751.40	80,422.43
Revenue-Monthly Permits	463-8000-344903	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	25,400.00	28,250.00	26,300.00	78,050.00
<b>16th St. Anchor - REVENUE</b> (Sales Tax Excluded)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,230.31	131,526.58	128,095.56	107,288.80	418,141.25
<b>Expenses</b>														
Security Personnel		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,645.65	13,912.95	16,779.23	13,115.19	53,453.02
Attendant/Cashier Labor		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,497.82	15,087.01	15,440.52	17,158.12	59,183.47
FP&L		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,850.00	3,600.00	3,600.00	3,600.00	14,250.00
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	775.00	775.00	775.00	975.00	3,300.00
Armed Guard Revenue Pickup		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	517.18	566.67	525.00	420.00	2,028.85
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,561.00	1,542.74	3,103.74
Landscape and Lot Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00	164.67	164.67	164.67	944.01
Garage Cleaning/Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,657.16	2,924.40	3,024.40	2,924.40	10,530.36
Sanitation (Waste Removal)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	131.25	175.00	168.27	168.27	643.23
Fire Alarm Service		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	180.00	430.00	250.00	250.00	1,110.00
<b>16th St. - Anchor EXPENSES</b>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	27,704.06	37,835.70	42,488.09	40,518.83	148,546.88
<b>16th St. PROFIT/(LOSS)</b>		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,526.25	93,690.88	85,607.47	66,769.97	269,594.57

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CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
42nd Street Garage - 8A

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
<b>42nd Street Garage - 8A</b>														
Revenue-Ticket	480-8000-344531	2,996.27	3,087.87	2,986.91	3,523.36	5,580.37								18,174.78
Revenue-Monthly Permits	480-8000-344595	34,020.00	33,360.00	33,720.00	33,720.00	33,720.00								168,540.00
	<b>42nd St. - 8A REVENUE</b>	<b>37,016.27</b>	<b>36,447.87</b>	<b>36,706.91</b>	<b>37,243.36</b>	<b>39,300.37</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>186,714.78</b>
	(Sales Tax Excluded)													
<b>Expenses</b>														
Security Personnel		10,306.80	8,245.44	8,214.77	10,306.80	8,217.83								45,291.64
Attendant/Cashier Labor		3,215.99	3,061.85	3,176.80	5,232.69	5,826.12								20,513.45
FP&L		1,805.96	1,982.13	1,927.13	1,725.18	1,964.05								9,404.45
Revenue Control Equipment Maintenance		0.00	110.00	0.00	0.00	0.00								110.00
Elevator Maintenance		1,819.18	430.00	430.00	430.00	430.00								3,539.16
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00								0.00
Garage Cleaning/Maintenance		3,392.00	3,392.00	3,392.00	3,392.00	3,392.00								16,960.00
	<b>42nd St. - 8A EXPENSES</b>	<b>20,539.91</b>	<b>17,221.42</b>	<b>17,140.70</b>	<b>21,086.67</b>	<b>19,830.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>95,818.70</b>
	<b>42nd St. PROFIT/(LOSS)</b>	<b>16,476.36</b>	<b>19,226.45</b>	<b>19,566.21</b>	<b>16,156.69</b>	<b>19,470.37</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>90,896.08</b>

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
<b>42nd Street Garage - 8A</b>														
Revenue-Ticket	480-8000-344531	3,350.48	2,763.56	3,415.88	3,842.04	10,966.37	3,644.84	3,200.92	4,165.41	3,907.46	3,619.65	3,802.80	2,752.32	49,431.73
Revenue-Monthly Permits	480-8000-344595	34,620.00	34,980.00	35,760.00	33,780.00	35,040.00	35,100.00	35,100.00	34,440.00	34,200.00	34,500.00	24,480.00	34,620.00	406,620.00
	<b>42nd St. - 8A REVENUE</b>	<b>37,970.48</b>	<b>37,743.56</b>	<b>39,175.88</b>	<b>37,622.04</b>	<b>46,006.37</b>	<b>38,744.84</b>	<b>38,300.92</b>	<b>38,605.41</b>	<b>38,107.46</b>	<b>38,119.65</b>	<b>28,282.80</b>	<b>37,372.32</b>	<b>456,051.73</b>
	(Sales Tax Excluded)													
<b>Expenses</b>														
Security Personnel		8,206.59	8,797.59	9,113.55	8,728.04	9,214.77	8,245.44	8,245.44	10,306.80	8,245.44	8,245.44	10,294.53	7,251.57	104,895.20
Attendant/Cashier Labor		3,255.18	3,257.79	3,077.53	2,837.18	4,731.24	3,317.88	3,210.77	3,537.33	3,195.09	3,027.89	4,255.76	3,848.22	41,551.86
FP&L		1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		536.00	536.00	536.00	536.00	536.00	536.00	430.00	1,190.80	430.00	430.00	430.00	430.00	6,556.80
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Garage Cleaning/Maintenance		1,796.50	1,780.00	1,798.50	1,798.50	1,763.50	1,796.50	1,780.00	1,780.00	1,796.50	1,837.75	1,796.50	3,392.00	136.00
	<b>42nd St. - 8A EXPENSES</b>	<b>15,600.23</b>	<b>16,177.34</b>	<b>16,329.54</b>	<b>15,703.68</b>	<b>18,051.47</b>	<b>15,701.78</b>	<b>15,472.17</b>	<b>18,620.89</b>	<b>15,608.99</b>	<b>15,347.04</b>	<b>18,582.75</b>	<b>16,727.75</b>	<b>197,923.63</b>
	<b>42nd St. PROFIT/(LOSS)</b>	<b>22,370.25</b>	<b>21,566.22</b>	<b>22,846.34</b>	<b>21,918.36</b>	<b>27,954.90</b>	<b>23,043.06</b>	<b>22,828.75</b>	<b>19,984.52</b>	<b>22,498.47</b>	<b>22,772.61</b>	<b>9,700.05</b>	<b>20,644.57</b>	<b>258,128.10</b>

CITY OF MIAMI BEACH  
PARKING DEPARTMENT  
PROFIT & LOSS STATEMENT  
42nd Street Garage - 8A

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
<b>42nd Street Garage - 8A</b>														
Revenue-Ticket	480-8000-344531	3,350.48	2,763.56	3,415.88	3,842.04	10,966.37	3,644.84	3,200.92	4,165.41	3,907.46	3,619.65	3,802.80	2,752.32	49,431.73
Revenue-Monthly Permits	480-8000-344595	34,620.00	34,980.00	35,760.00	33,780.00	35,040.00	35,100.00	35,100.00	34,440.00	34,200.00	34,500.00	24,480.00	34,620.00	406,620.00
	<b>42nd St. - 8A REVENUE</b>	37,970.48	37,743.56	39,175.88	37,622.04	46,006.37	38,744.84	38,300.92	38,605.41	38,107.46	36,119.65	28,282.80	37,372.32	456,051.73
(Sales Tax Excluded)														
<b>Expenses</b>														
Security Personnel		8,206.59	8,797.59	9,113.55	8,728.04	9,214.77	8,245.44	8,245.44	10,306.80	8,245.44	8,245.44	10,294.53	7,251.57	104,895.20
Attendant/Cashier Labor		3,255.18	3,257.79	3,077.53	2,837.18	4,731.24	3,317.88	3,210.77	3,537.33	3,195.09	3,027.89	4,255.76	3,848.22	41,551.86
FP&L		1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,871.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		536.00	536.00	536.00	536.00	536.00	536.00	430.00	1,190.80	430.00	430.00	430.00	430.00	6,556.80
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Garage Cleaning/Maintenance		1,796.50	1,780.00	1,796.50	1,796.50	1,763.50	1,796.50	1,780.00	1,780.00	1,796.50	1,837.75	1,796.50	3,392.00	23,112.25
	<b>42nd St. - 8A EXPENSES</b>	15,600.23	16,177.34	16,329.54	15,703.68	18,051.47	15,701.78	15,472.17	18,620.89	15,608.99	15,347.04	18,582.75	16,727.75	197,923.63
	<b>42nd St. PROFIT/(LOSS)</b>	22,370.25	21,566.22	22,846.34	21,918.36	27,954.90	23,043.06	22,828.75	19,984.52	22,498.47	22,772.61	9,700.05	20,644.57	258,128.10

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
<b>42nd Street Garage - 8A</b>														
Revenue-Ticket	480-8000-344531	2,068.55	1,661.97	1,616.89	2,474.77	6,040.17	2,375.90	2,602.80	3,376.65	2,976.64	2,871.04	2,828.05	2,622.43	33,515.86
Revenue-Monthly Permits	480-8000-344595	36,300.00	35,940.00	35,640.00	34,680.00	35,160.00	34,320.00	34,440.00	34,200.00	34,680.00	34,500.00	34,500.00	34,740.00	419,100.00
	<b>42nd St. - 8A REVENUE</b>	38,368.55	37,601.97	37,256.89	37,154.77	41,200.17	36,695.90	37,042.80	37,576.65	37,656.64	37,371.04	37,328.05	37,362.43	452,615.86
(Sales Tax Excluded)														
<b>Expenses</b>														
Security Personnel		10,877.14	8,244.21	8,143.74	10,305.98	8,650.43	8,230.10	10,999.83	8,988.60	11,395.97	9,140.34	11,484.72	8,883.48	115,374.54
Attendant/Cashier Labor		2,639.24	3,696.43	2,477.56	2,507.41	3,984.97	2,718.84	2,631.78	2,989.97	4,430.24	2,897.94	3,182.84	3,062.75	37,239.97
FP&L		1,539.31	1,459.55	1,341.18	1,510.98	3,178.78	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,871.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	217.50	-217.50	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	536.00	536.00	536.00	536.00	536.00	536.00	3,216.00
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,796.50	1,796.50	1,780.00	16,938.00
	<b>42nd St. - 8A EXPENSES</b>	16,340.69	14,685.19	13,247.48	15,609.37	17,139.18	14,039.90	17,466.07	15,388.03	19,635.17	16,176.74	18,605.02	16,088.19	194,622.03
	<b>42nd St. PROFIT/(LOSS)</b>	22,027.86	22,916.78	24,009.41	21,545.40	24,060.99	22,656.00	19,576.73	22,188.62	18,021.47	21,194.30	18,522.03	21,274.24	257,993.83



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# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject: STATUS REPORT ON THE REHABILITATION OF THE EXISTING  
BUILDING AND CONSTRUCTION OF THE NEW FIRE STATION NO. 2.**

The improvements to Fire Station No. 2 include full historic renovation of the existing building, and construction of a new facility that will include three apparatus bays and living quarters for the fire crews, as well as an Emergency Operations Center.

The 25<sup>th</sup> Street water storage tanks and pumping station project was added to the Jasco Construction Company (Jasco) Construction Manager at Risk Contract. STA Architectural Group (STA) is the architect/engineer (A/E) for the Fire Station components and Camp Dresser & McKee (CDM) is the A/E for the water tanks/pump station components.

Construction on the Water Tanks and Pumping Station Project began on June 9, 2003. Jasco substantially completed the tanks and pump station on June 16, 2004. The tanks are now in use, and the pumps are working as designed. CDM issued a "punch-list" of work items required prior to final completion, and Jasco has recently completed carrying out the items on this list. The contractor is currently closing out all permits for this phase of the project, and gathering all required submittals and documents required for final completion.

On November 25, 2003, Jasco presented to the City their Guaranteed Maximum Price (GMP) for the Fire Station portion of the project, which includes the construction of a new fire station, including an Emergency Operations Center (EOC), renovation of the existing building for use as administrative offices, and needed modifications to the site drainage. On December 10, 2003, the Mayor and City Commission approved the GMP in the amount of \$8,096,580, awarded a contract to Jasco, and appropriated the funding necessary to complete the Project.

The first Notice to Proceed for construction of the new Fire Station was issued on November 22, 2004. The second notice to proceed was issued on January 20, 2005 setting a contractual substantial completion date of February 14, 2006, and allowing construction activities to commence. Final completion shall be accomplished within 60 calendar days from the date certified as the date of substantial completion of Phase 1 (April 17, 2006), which includes the time frame for fire station personnel to move in. The groundbreaking ceremony took place on February 2, 2005 during the Commission meeting break.

Agenda Item C

Date 4-20-05

CIP Office staff has coordinated the design of a temporary parking lot that will be used by Fire Department staff, as well as employees of the contractor during construction. Plans for the temporary parking layout were approved and permitted in January 2005. Construction of the lot began in February and has been completed in March 2005.

Demolition of the existing above and below ground infrastructure within the new building area is 100% complete. Installation of the pile foundation is 30% complete, and was put on hold for two weeks due to a conflict found with the existing building foundation. The structural plans have been modified and re-permitted, and work on the pile foundation is expected to resume with no impact to the overall construction schedule. An existing water meter serving the maintenance building adjacent to the new fire station was found to be in conflict with the ongoing foundation work. The meter has been successfully relocated. The IT Department is currently coordinating with CIP for removal of the transmission tower which is adjacent to proposed new building.

Construction and move in of fire personnel to the new Fire Station is expected to require 15 months. Following this, renovation of the historic Fire Station building, and its conversion into administrative offices, will require an estimated 13 months to be substantially complete.

JMG/RCM//DEC/lmc

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# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject: STATUS REPORT ON THE CONSTRUCTION OF FIRE STATION NO. 4**

On August 4, 2004, the CIP Office issued a Notice-to-Proceed to Carivon (JOC Program Contractor) to initiate the seawall construction. Carivon submitted a schedule that showed mobilization by the end of the month, but due to extreme weather conditions, the mobilization to the site was completed on September 23, 2004. The sidewalk along the seawall was removed, all piles were replaced, and concrete was placed at the deadmen (concrete stabilization structures). The wooden docks have been installed and are being secured. All debris identified in the DERM permit was removed, including three sunken boats. The seawall cap has been poured, leaving only one task to complete: the installation of the riprap in front of the concrete cap. This scope is scheduled to be completed in approximately two weeks, with the submittal of all documentation, including an as-built survey, by the end of May 2005.

A First Notice to Proceed for the new Fire Station building was issued on October 1, 2004, which allowed Carivon to obtain building permits and prepare and seek approval by the City and its Consultants of all the required schedules, including the list of subcontractors, the schedule of values, and the Critical Path Method (CPM) time table. The Second Notice to Proceed was issued on November 15, 2004. This Notice allowed Carivon to start with the site and foundation work activities. The temporary construction fence was extended to include the street end of 69<sup>th</sup> Street. The pile survey and the installation of the augercast piles have been completed. Currently, concrete has been poured at the grade beams and stem walls and the soil is being compacted in preparation of the grade slab. In addition, civil work, including the water, irrigation and fire line connections, is well underway. However, Carivon and the Structural Engineer of Record addressed unacceptable placement of structural steel and incorrectly located grade beam at the curved wall of the eastern elevation. The process of identifying data through surveying and site visits, creating sketches, and producing directives to resolve the problem affected the construction schedule by about 40 days. On March 28, 2005, Carivon submitted a recovery plan and corresponding schedule to regain the lost time, for review by the City and its consultants, and is already working extended hours and on Saturdays. Also, the civil scope and scheduling is being reviewed to further reduce the spread.

JMG/RCM/TM/JCH/KM:ar

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Agenda Item

D

Date

4-20-05

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# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** April 20, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject: INFORMATIONAL REPORT TO THE MAYOR AND CITY COMMISSION,  
ON FEDERAL, STATE, MIAMI-DADE COUNTY, U.S. COMMUNITIES, AND  
ALL EXISTING CITY CONTRACTS FOR RENEWAL OR EXTENSIONS IN  
THE NEXT 180 DAYS.**

The City Commission adopted Resolution No. 2000-24141, which provided that all existing city contracts for renewal or extensions, which by their terms or pursuant to change orders exceed \$10,000, and all extensions or renewals of such contracts, shall be presented as an informational report to the Mayor and City Commission, at least 180 days prior to the contract extension or renewal date. Subsequent thereto, the City Commission adopted Resolution No. 2001-24332, changing the reporting requirement from \$10,000 to \$25,000.

The administration in addition to reporting on all existing City contracts, will now report information relative to Miami-Dade County, State of Florida, U.S. Communities and Federal GSA contracts that are approved for utilization by the City Manager. Pursuant to information contained in Miami-Dade County, State of Florida, U.S. Communities and Federal General Services Administration (GSA) bid list, the following are contracts that will expire within the next 180 days:

	DESCRIPTION	VENDOR	EXPIRATION DATE	RENEWAL TERMS
1.	Group Medical Insurance	Humana	9/30/2005	City option to renew for one additional year if the annual combined increase is less than 5%
2.	Group Dental	Compenefits	9/30/2005	City option to renew for one additional year if the annual combined increase is less than 3%

AGENDA ITEM

E

DATE

4-20-05

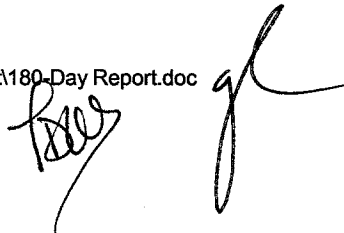
3.	Flexible Spending Program	Fringe Benefits Management Company	09/30/2005	(1) Two year option to renew
4.	Concrete Curbing/Sidewalk Construction, and The Purchase of Asphaltic Concrete/Related Materials, and The Striping of City Streets and Parking Lots	H & J Asphalt, Inc., F & F Construction, Inc., and MEF Construction, Inc.	09/25/2005	None
5.	The Purchase of Plumbing Equipment Parts and Supplies Bid 11-02/03	Maintenance Warehouse, A&B Pipe Supply, Inc., Lehman Pipe & Supply and Lawerence Plumbing Supply	09/30/2005	(1) Two year option to renew
6.	Supply and Delivery of Tapping Sleeves and Saddles for Ductile Iron Pipe	Hughes Supply(Primary) and A&B Supply	09/30/2005	(1) Two year option to renew
7.	Records Management and Services	International Data Depository (IDD)	09/30/2005	(1) Three year option to renew
8.	Turf and Landscape Maintenance Services on I-195 (Julia Tuttle Causeway)	FDOT	08/01/2005	None
9.	Supply and Delivery of Rock, Soil, and Sand	Austin Tupler	09/30/2005	(1) Two year option to renew
10.	Silk Screen and Embroidered Apparel	Swago and Designlab	09/30/2005	None
11.	Air Conditioning and Refrigeration Parts and Supplies	City Compressor Remanufactures, Condo Electric, DWG, Inc, Design	09/30/2005	(1) One year option to renew

		Controls, Inc, Economic Electric Motors, Friedrich Air Conditioning, Gemaire Distributors, Grainger- and Miami Compressor Rebuilders.		
12.	Purchase of Plumbing Equipment Parts and Supplies	Maintenance Warehouse, A&B Pipe & Supply, Inc, Lehman Pipe & Supply and Lawrence Plumbing Supply	09/30/2005	(1) Two year option to renew
13.	Purchase of Electrical Supplies	Maintenance Warehouse, South Dade Electrical, G.E. Supply, Graybar Electric Co., Rexel Consolidated, Mercedes Electric Supply, Inc., City Electric Supply Co., Condo Electric Industrial Supply, Inc. and Royal Electrical Supply, Inc	09/30/2005	(1) Two year option to renew
14.	To Provide Pest Control and Fertilization Services	Tower Pest Control	09/30/2005	(1) One year option to renew
15.	Operation of an Antique and Collectibles Market	Production Sud	09/30/2005	(1) One year option to renew
16.	Citywide Maintenance of Elevators	Kone Inc	09/30/2005	(1) Three year option to renew
17.	Preventive Maintenance Agreement for Emergency Generators	All Power Generators, and Condo Electric	09/30/2005	(1) Two year option to renew



18.	Provision of Medical Direction of the Miami Beach Fire Department Emergency Medical Services	Fred M. Keroff M.D.	09/30/2005	Perpetual with 60-Day Termination Provision at City's Option
19.	Grounds Maintenance	Everglades Environmental Care	07/26/2005	None

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Two handwritten signatures are present. The first signature, on the left, appears to be 'Boes' and is written in a cursive style. The second signature, on the right, is more stylized and appears to be 'gl'.



**CITY OF MIAMI BEACH  
OFFICE OF THE MAYOR & COMMISSION  
MEMORANDUM**

**TO:** MAYOR & COMMISSIONERS

**CC:** JORGE GONZALEZ  
CITY MANAGER

**FROM:** RICHARD STEINBERG *RLS/dm*  
COMMISSIONER

**DATE:** March 28, 2005

**RE:** For Your Information- Miami Dade League of Cities  
January 6, 2005 Agenda and December 2, 2004 Minutes

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Attached please find the agenda for the January 6, 2005 Miami Dade League of Cities Board Meeting, including minutes for the December 2, 2004 meeting for your information and review.

RLS/dm

RECEIVED  
2005 MAR 28 PM 11:39  
CITY MANAGER'S OFFICE  
BY

Agenda Item F1  
Date 4-20-05



MIAMI-DADE COUNTY LEAGUE OF CITIES, INC.

## Board Meeting January 6, 2005



The Honorable Richard Steinberg  
Commissioner, City of Miami Beach  
Third Vice President

EXECUTIVE DIRECTOR  
RICHARD KUPER, ESQ.  
EXECUTIVE DIRECTOR EMERITUS  
RUSS MARCHNER  
GENERAL COUNSEL  
HOWARD B. LENARD



MIAMI-DADE COUNTY LEAGUE OF CITIES, INC.

Richard Kuper, Esq.  
Executive Director

2490 Coral Way  
Suite 301-B  
Miami, Florida 33145

305-856-5050 Tel.  
305-856-5777 Fax.  
305-710-3722 Cel.  
mdclc@bellsouth.net



IV R. CHERNOFF  
 yor, North Miami Beach  
 e President  
 AAC SALYER  
 Bay Harbor Islands  
 Vice President  
 DUARDO GONZALEZ  
 nan, Hialeah  
 e President  
 CHARD STEINBERG  
 sioner, Miami Beach  
 y

OF DIRECTORS  
 EN COHEN  
 sioner, Aventura  
 / ROTH  
 Isl Harbor  
 ETERLYNCH  
 yor, Bay Harbor Islands  
 ED WALKER  
 Biscayne Park  
 IN SLESNICK, III  
 Coral Gables  
 IAN C. BERMUDEZ  
 Coral  
 IDREY EDMONSON  
 J. Portia  
 ANITA SMITH  
 sioner, Florida City  
 PARUAS  
 or, Golden Beach  
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 OSET DE LA CRUZ  
 Hialeah Gardens  
 FF PORTER  
 nan, Homestead  
 IANE McDUGAL  
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 NUEL A. DIAZ  
 Miami

MDC  
 Z. ROBERT INGRAM  
 sioner  
 ide County School Board  
 UTTI HERRERA BOWER  
 sioner, Miami Beach  
 IRLEY GIBSON  
 Iami Gardens  
 KYNE SLATON  
 Iami Lakes  
 I McCOY  
 Iami Shores  
 LY BAIN  
 Iami Springs  
 : PAUL VOGEL  
 sioner, North Bay Village  
 CHAEL BLYNN  
 an, North Miami  
 RON ROSNER  
 an, North Miami Beach  
 SEPH KELLEY  
 oad-Locke  
 GENE FLINN  
 almetto Bay  
 'necrest  
 RIE BIRTS-COOPER  
 sioner, South Miami  
 RIMAN EDELCUP  
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ESIDENTS  
 J.L. MARTINEZ  
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 FREY A. MISHCON  
 rth Miami Beach  
 IO ROBAINA  
 esident, Hialeah  
 RY SCOTT RUSSELL  
 uth Miami  
 I. SHIVER  
 e, Florida City  
 PAUL VOGEL  
 sioner, North Bay Village

# MDCLC

MIAMI-DADE COUNTY LEAGUE OF CITIES, INC.  
 2490 Coral Way, Ste. 301-B, Miami, FL 33145  
 TELEPHONE: 305-856-5050 FAX: 305-856-5777  
 E-MAIL: mdclc@bellsouth.net

EXECUTIVE DIRECTOR  
 RICHARD KUPER, ESQ.  
 EXECUTIVE DIRECTOR EMERITUS  
 RUSS MARCHNER  
 GENERAL COUNSEL  
 HOWARD B. LENARD

## AGENDA

Board of Directors Dinner Meeting  
**Thursday, January 6, 2004**  
 6:00 P.M. Reception and 7:00 P.M. Dinner

## RUSTY PELICAN

3201 Rickenbacker Causeway, Key Biscayne

Thank you to tonight's sponsor

## WASTE MANAGEMENT

WELCOME: President **Jay Chernoff**, North Miami Beach Councilman

1. INVOCATION
2. PLEDGE OF ALLIGIANCE
3. Approval of the Minutes of December 2, 2004 (**Attached**)
4. SPONSORSHIP PRESENTATION:

A. Waste Management – **Mr. Jason Neal**

5. GUEST SPEAKER:

A. The Honorable **Frank Bolaños**  
 Chairperson, Miami-Dade County School Board

6. DISCUSSION ITEMS:

- A. School Site Planning and Construction Committee- Bay Harbor Islands Councilwoman, **Ileene Wallace**, League Representative
- B. Joint Workshop for elected officials on interlocal agreements- Bay Harbor Islands Councilwoman, **Ileene Wallace**

- C. Presentation of Resolution to Executive Director Emeritus, Mr. **Russ Marchner**
- D. Annexation/Mitigation Issue- South Miami Mayor, **Mary Scott Russell (Attached)**
- E. South Florida Water Management District- Mr. **Jose Fuentes**, Director

7. COMMUNITY REPORT:

- A. **Stanley Shapiro** – Golden Passport Program (**Attached**)

8. CORRESPONDENCE:

- A. Governors Unite in Fight Against Medicaid Cuts, forwarded by South Miami Mayor **Mary Scott Russell (Attached)**
- B. Daily Business Review (Business Events) Notice of Board Meeting (**Attached**)

9. OLD BUSINESS:

- A Payment of Municipal Surtax Proceeds (CITT) (**Attached**)

10. GOOD OF THE ORDER:

11. COMMITTEES:

- A. Legislative Committee
- B. Annexation/Mitigation Committee

12. ANNOUNCEMENTS:

- A. MDCLC next Board of Director's Dinner Meeting, Thursday, February 3, 2005 location: Renaissance at Gables Edge 5910 S.W. 8 Street 6:00 p.m. reception and 7:00 P.M. dinner. Host City, **City of West Miami**, Sponsor **H.J. Ross Associates, Inc.**, Consulting Engineers and Planners.
- B. Gold Coast League of Cities regular monthly dinner meeting Thursday, January 13, 2005, Westin Hotel Ft. Lauderdale, 7:00 p.m.

# MDCLC

2490 Coral Way, Suite 301B, Miami, FL 33145  
Tel. 305-856-5050 Fax: 305-856-5777  
E-mail: mdclc@bellsouth.net

EXECUTIVE DIRECTOR  
Richard Kuper, Esq.

## MINUTES

Thursday, December 2, 2004

First Vice President **Isaac Salver**, Bay Harbor Islands Mayor, called the meeting to order at 7:30 P.M. and welcomed the guests. The Invocation was given by **Lawrence D. Kennedy, Jr.**, El Portal Councilman. City of South Miami Commissioner **Marie Birts-Cooper**, newly appointed MDCLC Board Member, led us in the Pledge of Allegiance. First Vice President **Isaac Salver** invited any Board Member, who had not officially been sworn in, to take part in a brief Swearing in Ceremony with Commissioner **Birts-Cooper**. **Audrey Edmondson**, El Portal Mayor and **Shirley Gibson**, Miami Gardens Mayor joined her. **Howard Lenard**, General Counsel proceeded to swear in the Board Members.

First Vice President **Isaac Salver** moved to approve the Minutes of the November 4, 2004 meeting. The motion was unanimously approved.

The municipalities represented at the board meeting were Bal Harbour, Bay Harbor Islands, El Portal Golden Beach, Hialeah, Medley, Miami Beach, Miami Gardens, North Miami, North Miami Beach, Opa-Locka, Pinecrest, South Miami, Sweetwater and Miami-Dade County. Others in attendance were members of the Miami-Dade Expressway Authority, C3TS Engineers and Architects, Commission of Ethics, Florida Power and Light, Office of the Citizen's Independent Transportation Trust, SFWMD, BFI, LINC, Howard Kusnick, Esq., and Drug Free Youth In Town (DFYIT).

The Board meeting was sponsored by the Miami-Dade Expressway Authority (MDX). Ms. **Roymi Membiela**, Vice Chairperson, MDX Board thanked the elected officials who serve on the MPO, such as Coral Gables Commissioner **Bill Kerdyk**, North Miami Mayor **Joe Celestin**, Miami Mayor **Manny Diaz**, Miami Gardens Mayor **Shirley Gibson**, and Hialeah Mayor **Raul Martinez**. She also thanked all the users of the system. She informed that MDX is funded by user fees and tolls. They do not compete with other agencies for funding. During her presentation she expressed that tolls are used as an alternative to raising taxes. She also mentioned that traffic congestion causes the loss of millions of dollars to Miami-Dade County's economy, due to lost time, productivity, gasoline, and other factors. Traffic congestion not only affects our quality of life but also affects our environment, economic growth and tourism. MDX is working on different ways to alleviate traffic congestion through modern technology. MDX developed a 20 year \$2.75 billion dollar master transportation plan, which aims to address traffic mitigation in Miami-Dade County. This year they started their signature project of expanding SR 836. This project will be completed by 2007. In the future MDX will attempt to make transponders accessible to everyone who uses their systems.

She specifically thanked Hialeah Mayor **Raul Martinez** for all his assistance with the SR 112 extension leading into Okeechobee. In the future MDX will be studying the possibility of incorporating open road tolling, which would eliminate toll plazas and allow commuters to drive without the need to slow down. Ms. **Membiela** concluded by thanking the MDCLC for allowing them to make their presentation.

First Vice President **Isaac Salver** thanked MDX for their presentation, as well as for the transponders they provided as gifts to our Board Members. First Vice President **Salver** recognized two special guests that were sitting at the dais, Senator **Gwen Margolis** and the County Commissioner **Carlos Gimenez**. He also asked that all those who had been recently re-elected or elected to office stand up to be recognized.

**Richard Kuper, Esq.**, Executive Director introduced the evening's Special Speaker Senator **Gwen Margolis**. As part of his introduction he reminds the members that she was recently reelected to the State Senate after serving eight years on the Miami-Dade County Commission, of which six of those years she served as Chair. She also served four terms as a State Representative. He highlighted that one of her biggest accomplishments was in 1990, when she was the only woman in the United States to serve as President of any Senate. Senator **Margolis** received numerous awards during her service as an elected official. Such as the Economic Development Award, Legislator of the Year Award, Good Government Award (Presented by MDCLC), Glass Ceiling Awards, Who's Who of Woman in the World, Who's Who in Business, and Who's Who of Woman. Although she is Senator of District 35, the Executive Director informs, that her doors have always been open and that she is accessible to everyone. He thanked the Senator for rearranging her schedule to be here tonight and welcomed her to the League.

Senator **Gwen Margolis** thanked **Russ Marchner**, Executive Director Emeritus for all the years of service to the Miami-Dade County League of Cities. The Senator's first topic of discussion was the State's fiscal condition. She informed that even though the State's financial situation is difficult the State has funds to address the economic issues created by Hurricane devastations.

She informed that the funds that the State receives from Documentary Stamps of Deeds, and Real Estate, are non-recurring revenues. Due to the fact that these are non-recurring revenues the State cannot plan to fund programs with these monies. She advises that the State has budgeted conservatively and up to this time they have not created any new programs. She further informs that the State has set aside \$ 2 billion dollars, for the span of 10 years, from this non-recurring money. The State has also received \$ 8 billion dollars from the Federal Government for hurricane relief, but the needed to match at least a 20% of those funds. Another issue that the State will need to address is how to reimburse the tax payers for tax assessments they have paid for property that is no longer used for its intended purpose. Other issues that she discussed were Pre kindergarten, a Constitutional Amendment dealing with growth management, changes of zoning and changes of master plans. She suggested that the local elected officials monitor the issues of whether people will vote on changes in the master plans or whether elected officials will vote on the changes. She concluded by thanking the MDCLC for their support and for their invitation this evening.

Third Vice President **Richard Steinberg**, Miami Beach Commissioner, made a presentation regarding the FLC 2004 Legislative Conference. The State League's priority during this session will be Growth Management. Commissioner **Steinberg** informs that the changes that are being looked into will be monumental and the MDCLC needs to be involved. He suggested that his colleagues on the Board review the materials attached to the agenda and begin contacting their representatives. The State is moving in the direction of allowing the local elected officials to have more input and control at a local level. This is a move in the right direction but we need to be involved with the regional councils and monitor that our representatives on these councils are protecting our interests.

Second Vice President **Eduardo 'Eddy' Gonzalez**, Hialeah Councilman, discussed MDCLC 2005 Legislative Agenda. He reminded the Board Members that we were getting close to the new session, and that MDCLC was asking the members to provide the League with any issues of concern so that they can be presented to the Legislative Committee.

First Vice President **Isaac Salver** introduced the Drug Free Youth In Town organization (**DEFYIT**). He learned of this organization when he was asked by a Bay Harbor Islands middle school to make a speech for "Red Ribbon Week" on the dangers of drug and alcohol abuse. He said he really didn't know what to say to them. He called this organization and within 2 hours they provided him with the information he needed to make the presentation. Vice President **Salver** beliefs, that DEFYIT has been a good organization for our community. **Barbara Zohlman**, Executive Director thanked the League for allowing them to introduce the organization. She stated that she wanted to inform the community on what DEFYIT does. DEFYIT is a full service entity that not only educates individuals but provides the skills, the knowledge, the tools, the recognition, and the reward for remaining drug free. She informed that they are involved in 53 Middle and Senior High Schools throughout Miami-Dade County, and in 17 schools in Broward County. The participants sign a contract with their parents and with DEFYIT, which states that they agree to be drug tested. Over 7,000 students agree to be drug tested periodically, as well as randomly drug tested throughout their membership. Their students have reported over 107,000 hours in community service. For more information on their organization, you can check out their website at [www.defyit.org](http://www.defyit.org).

In the Good of Order, **Sandy Youkalis**, South Miami, reported on an ordinance which is being proposed by the County Chair Joe Martinez that deals with annexation and incorporation. He suggests that the League become an active participant on this issue

MDCLC Board Meeting will be held Thursday January 6, 2005 at the Rusty Pelican, Key Biscayne. 6:00 p.m. reception and 7:00 p.m. dinner. .

SFWMD Water Workshop for Municipal Officials, January 19, 2005, Gwen Margolis Community Center, 9:00 a.m. – Noon.

The meeting was adjourned at 9:20 P.M.



100 % Mitigation Issue

-----Original Message-----

From: Youkilis, Sanford  
Sent: Friday, November 05, 2004 11:34 AM  
To: Davis, Maria  
Cc: 'JoEllen Phillips'; O'Donniley, Don  
Subject: Update Dade County Ordinance

Please be advised that the County Commissioner Martinez's ordinance to mandate 100% mitigation for all CBI areas in new cities and annexations was adopted on first reading on Oct 19, 2004. It now goes to the budget and finance committee for a public hearing on Nov. 12. (See attachment)

The ordinance could have an impact on the South Miami High/Miller Rd annexation because the County has included the Marina Lakes Business Park as part of the Bird Industrial CBI Area.

We should discuss this more on our Monday conference call.

<<Dade Ct Ord on CSI 2004.doc>>

Sandy

FROM COUNTY COMMISSIONERS AGENDA 10-19-04 Agenda No. 13F

ITEM No. 042839

ORDINANCE RELATING TO INCORPORATION AND ANNEXATION; ESTABLISHING COUNTY POLICY THAT REQUIRES CERTAIN NEW MUNICIPALITIES AND EXISTING MUNICIPALITIES ANNEXING CERTAIN COMMERCIAL, BUSINESS OR INDUSTRIAL AREAS WITHIN THEIR BOUNDARIES TO PAY ONE HUNDRED PER CENT (100%) MITIGATION FOR THOSE AREAS PROVIDING EXCEPTION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE *Adopted on first reading*

*Public Hearing: November 12, 2004*

*Mover: Dr. Barbara Carey-Shuler*

*Seconder: Jose "Pepe" Diaz*

*Vote: 8 - 1*

*No: Heyman*

*Absent: Sosa , Morales , Souto , Martinez*

**REPORT:** *The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Budget and Finance Committee on November 12, 2004.*

Stanley k. Shapiro  
SKS ASSOCIATES  
757 West Avenue  
Suite #912  
Miami Beach, Fla. 33139  
305-531-2557-phone  
305-534-9707 fax

December 7, 2004

Dear Valued Merchant

You are invited to participate in an exciting new project sponsored by Miami Dade Transit (MDT). A dynamic campaign to promote the Golden Passport Program. As you may be aware, the Golden Passport is a card that allows senior citizens 65 years and older or a Social Security beneficiary, to ride transit FREE. Teaming up With MDT will bring you potential new business, promotional exposure, and most of all You wont have to spend any marketing dollars.

As a partner on this endeavor, you will have the opportunity of placing your business' Logo on materials associated with the Golden Passport Program. All you are asked to do is provide a percentage discount or a free item/service to be included in a coupon booklet Published by MDT. This booklet will play an important role in the Golden Passport promotional campaign. At no-cost advertising for you to increase your business with Golden Passport holders. This promises to be a win-win situation.

Booklets will be mailed exclusively to Golden Passport holders. The coupons in the booklet will be valid for a period of one year, beginning the date the booklet is first Published. The newly Golden Passport will be unveiled the first quarter of 2005, so it is important that you contact us as soon as possible to discuss your participation.

Don't let this amazing Golden Passport opportunity pass you by! For more information Please call 305-531-2557, weekdays 10:00am to 4:30pm.

Sincerely,



STANLEY K. SHAPIRO  
Coordinator  
Golden Passport Campaign

## GOLDEN PASSPORT DISCOUNT

A RESOLUTION BY THE MIAMI DADE COMMISSION HAS AUTHORIZED A PILOT PROGRAM TO BE OFFERED TO HOLDERS OF THE GOLDEN PASSPORT. IN ORDER TO POSSESS THE GOLDEN PASSPORT, YOU MUST BE A RESIDENT OF DADE COUNTY.

THE PROGRAM WILL KICK-OFF IN MIAMI BEACH ALONG WITH THE COOPERATION OF THE MIAMI BEACH CHAMBER OF COMMERCE. SUGGESTED DISCOUNT WOULD BE 5%. A MAJORITY OF GOLDEN PASSPORT HOLDERS ARE 65 YEARS AND OLDER. (90% ) A VARIATION OF THE 5% DISCOUNT WOULD BE GREATLY APPRECIATED.

AN AGREEMENT OF YOUR ACCEPTANCE IS ENCLOSED.

YOUR COOPERATION IN THIS PROMOTION WILL BE BENEFICIAL TO BOTH YOUR ESTABLISHMENT AND TO GOLDEN PASSPORT HOLDERS.

A KICK-OFF PROMOTION IS BEING PLANNED AND ALL PARTICIPATING MERCHANTS WILL BE MEDIA HONORED.

MANY THANKS.....

# MERCHANT AGREEMENT GOLDEN PASSPORT OPPORTUNITY

This merchant agreement is entered into this \_\_\_\_ day of 2004 by and between the Department of Miami-Dade Transit, a department of Miami-Dade County, and \_\_\_\_\_ (MERCHANT), a \_\_\_\_\_ corporation.

Whereas, the parties agree to participate in a joint marketing program for all Golden Passport users.

Whereas, the parties have agreed to provide a discount or free item to the Golden Passport holders. This discount will be valid for a period of one year, beginning the date the discount booklet is first published.

In consideration of the promises and the mutual covenants and obligations herein contained, and subject to the terms and conditions hereinafter stated, the parties hereto understand and agree to as follows:

- 1) Merchant shall provide its logo, trademark or name to the TRANSIT DEPARTMENT and or its agency. Merchant's logo trademark or name shall be printed on the Golden Passport Discount Booklet. Merchant authorizes the Transit Department or its Agency to use its logo, trademark or name on the Booklet and in marketing and promotional materials for the Golden Passport campaign.
- 2) The discount booklets will be mailed exclusively to Golden Passport holders.
- 3) Merchant shall provide the special discount or special service to any and all persons that show their Golden Transit Passport membership card. The offer for the service shall expire, \_\_\_\_\_.
- 4) The parties are entering into this agreement as independent contractors and as such are not entitled to any right or benefit other than those that are conferred by the Agreement.

The Agreement shall terminate \_\_\_\_\_, 2005. A one-year option to renew is available, yes \_\_\_\_\_ no \_\_\_\_\_.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by the respective officials thereunto duly authorized, this the day and year first above written.

Merchant  
Print name of company

Miami-Dade County Transit

Signature and title

Roosevelt Bradley, Director

Date

Offer: \_\_\_\_\_

**From:** Modesto Abety [mailto:mo@thechildrenstrust.org]  
**Sent:** Monday, December 27, 2004 11:41 AM  
**To:** Dave Lawrence; Diana Ragbeer  
**Cc:** Barbara Jordan; Charisse Grant; Charles M. Hood III; Cindy Lederman; Debbie Nogueras; ESEGALPTA@aol.com; George Burgess; Gerald Schwartz; Isabel Afanador; James DiBernardo; Jose Vicente; Josee Gregoire; Judy Schaechter; Katherine Fernandez-Rundle; Lillian\_Rivera@doh.state.fl.us; Linda Blanton; Maria Alonso; msrl@bellsouth.net; Natacha Seijas (Business Fax); Nelson Adams; Norman Gerstein; Octavio Verdeja; Rene Garcia; Dr. Robert Ingram; Superintendent'sOffice@dadeschools.net; Sara Herald; s2jesus@aol.com; Sara Herald; s2jesus@aol.com; Steve Marcus; Thomas M. Rozek ; Valria C. Screen ; wilblechman@aol.com  
**Subject:** Governors Unite in Fight Against Medicaid Cuts (NY Times)

FYI:

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### Governors Unite in Fight Against Medicaid Cuts

December 26, 2004  
By PAM BELLUCK

BOSTON, Dec. 25 - Fearful that President Bush plans to shift more Medicaid costs to the states, the nation's governors are mounting a bipartisan lobbying effort to stave off new federal limits on the program.

Medicaid, the nation's largest health insurance program, is costing the states and the federal government more than \$300 billion a year. The growth of the program, which covers the poor and disabled, has outpaced state revenues, and Medicaid is now a larger component of total state spending than elementary and secondary education combined, according to the National Governors Association.

Showing rare bipartisan unity, governors of both parties said in interviews this week that they would press hard in the coming months to preserve or even increase their current Medicaid allotments.

"I certainly understand the need to balance the federal budget," said Gov. Mike Huckabee of Arkansas, a Republican and the vice chairman of the governors association. "But people need to remember that to balance the federal budget off the backs of the poorest people in the country is simply unacceptable. You don't pull feeding tubes from people. You don't pull the wheelchair out from under the child with muscular dystrophy."

The association's chairman, Gov. Mark Warner of Virginia, a Democrat, said the governors were "much more in unanimity on this issue than they are on most issues." He added, "We do see on a regular basis that unless the governors step up, you will see cost-shifting done because it relieves the federal problem."

The governors could find themselves on a collision course

with Mr. Bush, who has pledged to cut the federal budget deficit in half in the next five years. A bipartisan lobbying effort would also put pressure on the Republican-controlled Congress.

The White House has not tipped its hand on its new budget and would not comment on its plans for Medicaid. Federal officials, however, have said they are sending auditors to state capitals to review Medicaid programs and cracking down on methods that states have been using to try to get as much federal Medicaid money as possible.

The governors, who will be forming a committee to press their Medicaid agenda, say they are determined to avoid repeating their experience the last time they tried to negotiate Medicaid changes with federal officials, in 2003. Mr. Bush at that time proposed giving each state a fixed amount of federal money each year for 10 years, instead of basing federal payments on actual health costs and enrollment.

"They tried to cap it the last time around," said Gov. Bob Taft of Ohio, a Republican. "Then, you're asking the states to take a risk - what if the caseload grows?" That effort to make major changes in the program collapsed after lengthy negotiations between federal officials and a bipartisan group of governors.

The governors say Medicaid, which insures a quarter of the nation's children and two-thirds of its nursing-home patients, has become so expensive that it now, on average, makes up 22 percent of states' budgets, compared with 10 percent in 1987.

"It's just a huge problem for Ohio and almost every other state that I know about," said Mr. Taft, adding that he had titled a recent speech "Medicaid: The Monster in the Middle of the Road."

"We're going to have to do cuts in services, cuts in people on the caseload," Mr. Taft said. "We're going to have to freeze or possibly even cut some provider rates just to restrain the growth. It's squeezing what we can do for schools, what we can do for higher education. We're constraining and tightening our belt in every way, cutting the number of state employees. If we could control Medicaid we wouldn't have budget problems in Ohio."

Gov. Mitt Romney of Massachusetts is among several governors battling the Bush administration's efforts to eliminate a practice some states use to get more federal Medicaid money. The federal government says these states' practice of transferring money to county governments or local hospitals is a way to get more federal Medicaid money by making it appear that they are spending more on Medicaid than they are.

In Massachusetts, the Bush administration says \$580 million in federal Medicaid money obtained using such a practice was an improper grant. Mr. Romney disagrees.

"This was a practice approved by the federal government, and it's one of the ways that we provide health care to the poor and needy," said Eric Fehrstrom, Mr. Romney's press secretary. "Discussions are going on now between us and the federal government so that we can find a way to continue with this practice."

Mr. Romney recently announced plans to change his state's Medicaid system, and Mr. Fehrstrom said the governor was counting on the federal government not to slash its Medicaid budget in any way. "Governor Romney is about to embark on Medicaid reform," Mr. Fehrstrom said. "We're determined to do that without raising taxes, but it's extremely important that we be allowed to rely on the money that's already in the system."

Making their case in a letter to the White House and Congressional leaders this week, the National Governors Association urged federal officials not to reduce Medicaid financing in an effort to cut the deficit. In their letter, the governors also said that the Medicare program, which covers health care for the elderly, should pay the health care costs for those people who are both elderly and poor, and therefore eligible for coverage by both Medicare and Medicaid, as a way to reduce the states' Medicaid burden. Medicare, unlike Medicaid, is fully financed by the federal government.

"Medicaid currently accounts for 50 percent of all long-term-care dollars and finances the care for 70 percent of all people in nursing homes," the letter said. "Furthermore, 42 percent of all Medicaid expenditures are spent on Medicare beneficiaries, despite the fact that they comprise a small percentage of the Medicaid caseload and are already fully insured by the Medicare program."

Both the Bush administration and the governors are examining ways to give states more flexibility in how they run their Medicaid programs.

Some governors would like, for example, to be able to rein in costs by restricting the list of drugs covered by Medicaid, by contracting with third-party providers or by allowing the poorest people to get more benefits than those who are better off. They would like to be able to make these changes without applying for federal waivers, which often take months or years to get approved.

In Wisconsin, Gov. James E. Doyle, a Democrat, said his state would like the ability to put more Medicaid dollars into services that could help elderly people stay in their homes longer, instead of having to go into nursing homes.

"We really need to sit down at the table and figure out how to better design a Medicaid system," Mr. Doyle said.

Some governors said they hoped Mr. Bush's selection of Michael O. Leavitt to be secretary of health and human services was evidence of the administration's willingness to allow states a greater say in any changes in Medicaid. Mr. Leavitt, the administrator of the Environmental Protection Agency, is a former governor of Utah and used federal waivers to save money and expand coverage in Utah's Medicaid program.

Governor Huckabee of Arkansas, where nearly a quarter of the population is on Medicaid, said the governors' objective in the coming months would be to ask the federal government to "first do no harm."



He said the soaring federal budget deficit had made federal officials realize "their house is on fire, and they're probably so consumed with the flames around them that they're unaware as they look to us for water that our tanks are empty.

"Folks, our house is on fire too," Mr. Huckabee added, "and asking us to put out your fire is probably not the solution."

<http://www.nytimes.com/2004/12/26/national/26medicaid.html?ex=1105103562&ei=1&en=6b2dc79655aecc2e>

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# Daily Business REVIEW

LAW • REAL ESTATE • FINANCE

MIAMI • TUESDAY, JANUARY 4, 2005 • \$1.00

VOL. 79, NO. 144

ALM

## Business Events

Jan. 5

**Greater Sunrise Chamber of Commerce:** Breakfast meeting, 7:30 to 9 a.m. at the Shecton Suites Plantation, 30 N. University Drive, Plantation. Cost: members \$10, at the door \$15, nonmembers \$15, at the door \$20. Call (954) 357-2428.

**Finance Network Club of Broward:** Breakfast meeting, 7:30 to 9 a.m., Tower Club, One Financial Plaza, 28th Floor, Fort Lauderdale. Cost: \$25. Call (954) 525-1040; Ext. 6652.

**Corporate Ambassadors:** Cocktail mixer, 7:30 to 9:30, Trinamit restaurant, 651 Okeechobee Blvd., West Palm Beach. Cost: \$10. Call (561) 656-2426.

**Broward Real Estate Investors Association:** Short sales made simple, a seminar, 7 p.m., Signature Grand, 6900 State Road 84, Davie. Cost: members \$5, nonmembers \$20. Call (888) 839-2444.

Jan. 6

**Miami-Dade County League of Cities:** Board of directors meeting, 6 p.m., Rusty Pelican Restaurant, 3201 Rickenbacker Causeway, Key Biscayne. Speaker: Frank Bolanos, chairman of the Miami-Dade County School Board. Cost: \$35 for members, \$50 nonmembers. Call (305) 876-5050.

**Biz to Biz Networking:** Business card

TUESDAY, JANUARY 4, 2005 • DAILY BUSINESS REVIEW • A3

Item 8 B

## REQUEST FOR PAYMENT OF MUNICIPAL SURTAX PROCEEDS

Date: Dec. 15, 2004

Payment for Month(s): September 2004

[illegible]

\*Includes \$270 adj. to July.

\*Includes all of 2004.



**CITY OF MIAMI BEACH  
OFFICE OF THE MAYOR & COMMISSION  
MEMORANDUM**

**TO:** MAYOR & COMMISSIONERS

**CC:** JORGE GONZALEZ  
CITY MANAGER

**FROM:** RICHARD STEINBERG *RLS/dm*  
COMMISSIONER

**DATE:** March 28, 2005

**RE:** For Your Information- Miami Dade County Homeless Trust  
Board January 28, 2005 Meeting Minutes

---

Attached please find the minutes for the January 28, 2005 meeting of the Miami Dade County Homeless Trust Board for your information and review.

RLS/dm

RECEIVED  
2005 MAR 28 PM 3:10  
CITY MANAGERS OFFICE  
BY \_\_\_\_\_

Agenda Item F2  
Date 4-20-05

**MIAMI-DADE COUNTY HOMELESS TRUST  
TRUST BOARD MEETING MINUTES  
JANUARY 28, 2005**

**The following members were in attendance:**

Jeff Mell for Ronald L. Book, Esq., Chairman  
Ben Burton for Yvonne Grassie, Esq.,  
Bradley Simon for Joe Arriola  
Karen Mahar  
Commissioner Tomás Regalado  
Commissioner Richard Steinberg  
Claudia Sandoval for Dr. Rudolph Crew  
Gonzálo DeRamón

Elizabeth Von Werne for Daniel Alvarez  
Ralph Egües  
Arthur Fournier, M.D.  
Shelley Llorente  
Rondy Johnson  
Kametra Driver  
Cleveland Bell, III  
Tim Coffey for Judge Steven Leifman

**The following persons were in attendance:**

Chuck Resnick	Kirby Morrow	Barbara Golphin
H. Daniel Vincent	Sharon Crippen	Terrell Thomas
Olga Golik	Raymond Carvil, Sr.	Julie Edwards
Dr. Paul Ahr	Alicia Apfel, Esq	Cynthia Johnson-Stacks, Esq.
Maria P. Barcus	Elizabeth Von Werne	David Raymond
Tony Crapp, Jr.	Thomas F. Fleischmann	Maggie Olano

**WELCOME AND INTRODUCTIONS**

Mr. Jeff Mell called the meeting to order at 10:46 a.m. Following self-introductions, Mr. Mell proceeded to consider the meeting agenda.

**APPROVAL OF MINUTES**

Mr. Mell inquired if there were any questions or comments concerning the October meeting minutes, not being any. Mr. Egües made a motion to approve the minutes. Mr. Simon seconded the motion. All members present approved the motion set forth unanimously.

**APPLE TREE REPORT – ACTION ITEM**

Alicia Apfel, by way of introduction stated that there are concerns regarding some of the projects that are under development; these projects have been delayed due to unforeseeable circumstances (report). The recommendations made have been approved by the Executive Committee. David and Alicia addressed and clarified several comments and questions during discussions of the projects regarding the options available and funding source guidelines.

**PROJECTS UNDER DEVELOPMENT:**

**Fellowship House**

- ◇ Zoned for agricultural use
  - Zoning records not properly updated on a regular basis
  - Application made for special zoning variance that would incorporate the City of Homestead's Master Land Use Plan which includes large-scale redevelopment
  - Met with project manager, architect and attorneys
- ◇ Funding Gap of \$544,451
  - Developer's application for State HOME, and County CDBG funds meet gap did not meet criteria threshold
- ◇ Revised project strategy and recommendations
  - Convert SHP Award to a scattered site permanent housing to implement immediately in order to avoid funding recapture pending the approval of HUD, Executive Committee and full Trust Board
  - Project implementation with this strategy may be expected April 1, 2005
  - Fellowship would maintain the property

**Miami Beach Housing Authority, Domestic Violence:**

- ◇ Housing Authority rejected bids stating that the plan and design was too costly
- ◇ Directed administration to review plan re-issue all bids

- ✧ Further concerns raised regarding design appropriateness, structural components, and plan deficiencies
- ✧ Architectural contract terminated
- ✧ Funding jeopardized-no executed contract with U.S. HUD
  - \* \$475,000 HHAG (Homeless Housing Assistance Grant)-State requesting funds be returned
  - \* \$300,000 SHP -
  - \* Insufficient funding for support and services under SHP grant; funding limited to \$150,000 per year
    - ◆ Scattered site not financially possible with available funding
- ✧ Recommendations
  - \* Consult with the Domestic Violence Board and the Alliance for Human Services to determine the feasibility of linking support services to the project to reprogram SHP funds
  - \* Return HHAG funds to the State (return with 5% administrative cost from F&B) as this prohibits Trust from applying for funding in the next funding cycle-can re-apply in the future for this project (David elaborated on the HHAG funding)
  - \* Take project back and re-bid SHP Award subject to HUD approval

#### **Family Resource Center:**

- ✧ Bryan Finnie of OCED is taking the project back
- ✧ FRC has been making timely payments
- ✧ This project has also prohibited the Trust from applying for HHAG funding
- ✧ Recommendations
  - \* Advance the repayment to the State to become eligible to apply for HHAG funding for other projects
  - \* FRC will be accelerating payments (double) to the Trust once OCED takes over the project

#### **Carrfour-Villa Aurora:**

- ✧ Carrfour restructuring project
  - \* Library, parking, social services, kitchen with multi community services rooms, and transitional and permanent housing
- ✧ Carrfour lease modification went before County Commission's COSHAC committee January 12<sup>th</sup> and approved with some changes (David elaborated on specific stages of the process)
  - \* Striking of GOB language
  - \* Additional affordable housing units
- ✧ Lease modification scheduled to go before County Commission February 1, 2005

#### **Sun South:**

- ✧ Construction commenced January 12, 2005 – 5% completion
- ✧ Completion is expected August 2005

#### **Royalton Carlyle:**

- ✧ Construction expected to begin in August 2005
- ✧ Twelve (12) month completion period projected

#### **Camillus House-Naranja Cottages:**

- ✧ Water and Sewer delay resolved
- ✧ Issuing documents for construction
- ✧ Completed of construction projected for June 2005
- ✧ Bidding process to commence shortly
  - \* Biscayne Engineering handling bidding process-reviewed by OCED

#### **Camillus House-Relocation:**

- ✧ Hearing for special exception application for rescue-mission site use was postponed by the City of Miami
- ✧ Camillus has initiated steps to implement the S+C grant to scatter site to avoid HUD funding recapture
- ✧ At the Trust's request, there will be a written report following January hearing describing developer's plan for site and zoning strategies

#### **Homestead Air Force Base:**

- ✧ Camillus will install baffles on the developed portion
- ✧ CPHI must either install French drains or a berm around playing field
  - \* Pursuing bids on both options to make decision
  - \* Architects reviewing plans

#### **Christian Hospital:**

- ✧ Funding gap identified

✧ Opening ceremony on February 16<sup>th</sup>

Prior to any further discussions regarding issues to be discussed before the City of Miami Commission, Commissioner Regalado recused himself. Ms. Johnson-Stacks stated that in the future written materials as well as items presented for discussion will be separated in order for the Commissioner to participate in the major discussion without conflicts of interest. David addressed questions as to when a report from the developer can be expected. Mr. Egües made a motion to ratify report as amended. Mr. Johnson seconded the motion. Karen Mahar abstained. Ms. Johnson-Stacks recommended to move for reconsideration. Mr. Johnson made a motion to reconsider. Ms. Von Werne seconded the motion. Motion carried. Ms. Karen Mahar and Shelley Llorente recused themselves. Mr. Simon made a motion to ratify and adopt the report as amended. Mr. Bell seconded the motion. All members present approved the motion set forth unanimously.

**U.S. HUD SuperNOFA 2004 AWARDS & 2005 PROCESS**

David Raymond referred members and guests to the information in the meeting package stating the U.S. HUD awards for the State of Florida wherein Miami-Dade County Continuum received \$21 million. However, there has been no public announcement of the awards. All the new and renewal projects were funded; the largest new project funded was the Carrfour Carlyle Royalton at \$2 million. There were 51 SHP and 13 Shelter Plus Care renewals. This has been due to good strategies over the years. The Trust had no questions come back related to the application. David thanked and congratulated Julie Edwards, the contract staff, and the providers for the success of the process. Comparisons were made to the previous year. The CoC Committee has already commenced to work on the 2005 funding cycle in order to develop the priorities based on the Gaps and Needs Analysis, which is drawn from the Point-in-Time surveys. The surveys were done last night during the Homeless Count.

**Homeless Census:**

The success and thoroughness of last night's census was largely due to the development of improved methodologies, procedures, and guidelines under the leadership of Mr. Bell, the Services Committee, outreach teams, and other participants. Some of these changes are as follows:

- ✧ Two additional teams in the South Dade area
- ✧ Improved coordination with Police
  - Police very aware and knowledgeable of homeless people
  - Fear of unsafe areas and structures diminished by police escorts
- ✧ Heightened awareness
  - Board member, Ralph Egües, announcement on major Hispanic radio station
- ✧ Improved training-uniformity
- ✧ Overwhelming number of volunteers
  - FIU Sociology Department
  - FSU doctoral student researching of causes of homelessness
- ✧ McDonalds' food gift certificates donated by the Miami Coalition for the Homeless was an excellent incentive for survey participation
- ✧ Shorter surveys

There were several congratulatory comments and remarks on the diligence, thoroughness, organization, and professionalism in the process.

There was an additional discussion as to the preliminary presumptions related to the some of area homeless populations such as a decrease in Miami (827 down to 759) and increase in the downtown areas. Mr. Simon stated there was a 7% increase in the Downtown area which he feels are new homeless possibly related to the extreme cold weather up north, however, that he will have more information once the statistical process is complete.

Commissioner Regalado raised concerns as to the CDBG decrease in funding in the 05-06 budget, possibly by 50% that would affect the homeless programs. The City is preparing a proposal to Washington addressing this issue. Further Commissioner Regalado made a motion that the County join the City of Miami through the Miami-Dade Legislative Delegation in presenting these concerns in funding cuts to any homeless programs in Miami-Dade County. Mr. DeRamón seconded the motion. All members present approved the motion set forth unanimously.

## **GENERAL OBLIGATION BOND FUND IMPLEMENTATION**

David Raymond explained to members and guest the original proposal and that at the commencement of the GOB implementation process, our GOB liaison, Dave Bellamy recommended, and staff proposed the acceleration of the draw-down and to prioritize our goals to increase the validity of request to be among the first, which this Board approved. Also, as previously discussed and approved by this Board staff is exploring the concept and County process of land-banking for investment and revenue purposes. The County process is quite extensive. Consequently, staff is exploring other options, through other resources to carry out these transactions in the most time and cost efficient manner. Ms. Johnson Stacks added that they also participated in discussions with Bond counsel related to other components and legalities of the Trust implementation plan. Staff is also researching management and cost of these acquisitions and the accompanying mechanisms for such management and upkeep. This is an ongoing process; staff will provide updates accordingly.

## **SOUTH DADE OUTREACH**

David Raymond stated that as members may recall, staff was monitoring the decrease in occupied shelter beds at the South HAC and a work group was appointed to ensure appropriate level of communication and performance as it was determined that it was not a data systems issue. Preliminary conclusions indicate that:

- Outreach personnel shifts unbalanced; disparity in number of teams relative to number of beds
- County Outreach teams' protocol
- Reporting time of bed reports may skew figures; send out at 2 p.m. rather than in the morning
- Preliminary data to be analyzed, past years' data demonstrate south homeless population not as high as other County areas
- Increase in homeless families
- May change boundaries

David provided members and staff a synopsis of the efforts being made to cure some of the causes of the empty beds at the South HAC. This is an informational item; requires no action. David will provide updates to the Board accordingly. David addressed some questions and comments concerning the cold weather relative to the bed availability and the count. There was some discussion as to limitations of outreach workers, and it was suggested that the triage system may be reintegrated at the facilities.

## **CPHI REPORT**

Mr. Daniel Vincent announced that as of December 31, 2004 there was an outplacement of 54.8% at the Chapman Center, 65.8% at the South HAC, and life-to-date 58.7%. To date, the organization has surpassed 25,000 admissions and an excess of 300 cold weather related placements.

Following a request to the Miami Police Department, specifically to Commander Robert Reed, regarding the drug use on the 15<sup>th</sup> tracks behind the Chapman Center, two (2) "crack" houses have been completely closed down.

Alfredo Brown, CPHI Deputy Director for the Chapman Center, was honored at the African American Council of Clergy banquet on January 16, 2005. Mr. Brown received the award for his fervent dedication and commitment to the homeless community in Miami. Congratulations to Mr. Brown, CPHI staff is proud to have Mr. Brown with their organization.

A reminder to everyone that tomorrow in the Tropical 5K Run. Mr. Jon Secada will be singing the National Anthem at the event. People can still enter at [runmiami.org](http://runmiami.org). There are over 11,000 entries and several teams such as Lennar Corporation, City of Miami, and the Trust.

CPHI would also like to recognize Dr. Fournier for his work on several matters concerning the clinics. The National APEC Committee also recently recognized the doctor for his lifelong work.

## **ECONOMIC INDICATOR REPORT**

**Tax Collection Report:** Mr. Cesar Deville announced a 1.1% increase in tax earnings as compared to the same period last year. Year-to-date collection stands at a 2.68% increase over the same period last year, representing a \$2.2 million revenue collection.

**Local, State and National Unemployment Rates:** The national unemployment average remained constant for the month of December at 5.4%. The State average decreased slightly to 4.3%. The Miami-Dade average was also slightly lower at 5.7%.



## **EXECUTIVE DIRECTOR'S REPORT**

David Raymond provided announcement/updates:

Board of County Commissioners: The 04-05 Work Plan and the Committee Structure for review is enclosed in the meeting package.

HMIS: Richard Rankin will be here within a few days for report generation training.

County Budget: Budget submission to the Budget Office is due February 1, 2005 as the timelines are sooner this year. The GOB funding is included. Briefly explained process. Have already met with CPHI, the budget will also be presented to the Trust Board sooner this year.

Price Waterhouse Audit: Julie Edwards, Trust Assistant Director and Terrell Thomas, Lead Contract Officer were given special recognition for their outstanding performance during the recent audit.

Homestead Air Force Base: Met with Yvonne Grassie for possible use restrictions to be modified in order to develop permanent housing. Letter sent to Health and Human Services, making this request.

SuperNOFA: Began meeting in January 2005 to begin developing the priorities and the renewal process, which will be performance and utilization based.

## **OTHER ITEMS**

Dr. Ahr, requested that in conjunction with the Homeless Trust, Camillus would like to develop creative ways to clear homeless persons, at least reduce the number of homeless persons on the outskirts of the facility. This is in response to the Downtown business community, who are willing to assist in what way they can. Camillus does not wish to implement aggressive methods, as this is would not be in-line with the purpose of what the Brothers of the Good Sheppard intended. Although most identify with the facility and are regulars they still are suspicious of coming inside. Mr. Bell stated that the Board is committed to addressing and assisting this request. Mr. Bell made a motion that this issue be taken before the Services Development Committee for recommendations. Ms. Von Werne seconded the motion. Motion approved unanimously.

With no further business to discuss, Mr. Johnson made a motion to adjourn the meeting; seconded by Mr. Mell. The meeting adjourned at 12:12 p.m.

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**Jeff Mell, for Ronald L. Book, Esq.**  
**Chairman of the Board**



**CITY OF MIAMI BEACH  
OFFICE OF THE MAYOR & COMMISSION  
MEMORANDUM**

**TO:** MAYOR & COMMISSIONERS

**CC:** JORGE GONZALEZ  
CITY MANAGER

**FROM:** RICHARD STEINBERG *RLS/dm*  
COMMISSIONER

**DATE:** March 28, 2005

**RE:** For Your Information- Miami Dade County Homeless Trust  
Board February 25, 2005 Meeting Minutes

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Attached please find the minutes for the February 25, 2005 meeting of the Miami Dade County Homeless Trust Board for your information and review.

RLS/dm

RECEIVED  
2005 MAR 28 PM 3:09  
CITY MANAGERS OFFICE  
BY \_\_\_\_\_

Agenda Item F3  
Date 4-20-05

**MIAMI-DADE COUNTY HOMELESS TRUST  
TRUST BOARD MEETING MINUTES  
FEBRUARY 25, 2005**

**The following members were in attendance:**

Jeff Mell for Ronald L. Book, Esq., Chairman  
Ben Burton for Yvonne Grassie, Esq.  
Rondy Johnson  
Shelley Llorente  
Karen Mahar  
Bradley Simon for Joe Arriola  
Pauline Clarke-Trotman

Kirby Morrow for Kametra Driver  
Michael Cox for Gonzálo DeRamón  
Judge Steven Leifman  
Catherine Vigilant for Cleveland Bell, III  
Commissioner Richard Steinberg  
Gilda Ferradaz for Chuck Hood, III

**The following persons were in attendance:**

Chuck Resnick	Letricia Brown	Cesar Deville
H. Daniel Vincent	Alicia Apfel, Esq.	Julie Edwards
Howard Rubin	Don Vargas	Shannon Summerset, Esq.
Michael Buncher	Barbara Golphin	David Raymond
Beth Von Werne	Terrell Thomas	Maggie Olano

**WELCOME AND INTRODUCTIONS**

Mr. Jeff Mell called the meeting to order at 10:43 a.m. Following self-introductions, Mr. Mell proceeded to consider the meeting agenda.

**APPROVAL OF MINUTES**

Mr. Mell inquired if there were any questions or comments concerning the December meeting minutes. It was noted by Mr. Rondy Johnson that his name was omitted as being in attendance and David Raymond noted that the year in the date had was supposed to read 2004 not 2005. With the noted corrections, Mr. Simon made a motion to approve the minutes. Ms. Clarke-Trotman seconded the motion. All members present approved the motion set forth unanimously.

**HOMELESS CENSUS RESULTS**

By way of introduction, David Raymond thanked the assistance of Mr. Cleveland Bell, the Services Development Committee, outreach, and other participants for the development of improved counting methodologies and guidelines for the homeless count, following a series of meetings and discussions; as well as Mike Pimentel, for the coordination of the event. The revised count guidelines as approved by the Services Committee has been provided in the meeting package for review. David stated that the consensus of staff and participants is that the event was extremely successful and thorough; attributed mainly to some of the methodology and procedural changes made this year, such as:

- Two additional teams in the South Dade area
- Improved coordination with Police
  - Police very aware and knowledgeable of homeless people
  - Fear of unsafe areas and structures diminished by police escorts
- Heightened awareness
  - Board member, Ralph Egües, announcement on major Hispanic radio station
- Improved training-uniformity
- Overwhelming number of volunteers; FIU sociology department
- McDonald's food gift certificates donated by the Miami Coalition for the Homeless was an excellent incentive for survey participation

David continued with a synopsis of the Life to Date summary and final results of the January 27 count. While there was a decline in other areas such as the City of Miami and Miami Beach, there seems to be a rise in numbers in unincorporated Dade. David reviewed the numbers of some of the specific areas. In comparison to similar

communities across the country and national statistics where the numbers are rising with few exceptions, the number in Miami-Dade County remains steady with no drastic changes.

There were several congratulatory remarks among committee members and guests on the thoroughness and professionalism of the event. Additionally there was some discussion as to:

- Benefits and deterring factors of law enforcement presence
- Counting people in other service fields especially jail discharges
- Area breakdowns
- Outreach operational issues

David addressed these concerns and at the next count staff will make the effort to factor in the other service fields through the HMIS. Ms. Clarke-Trotman and Mr. Johnson expressed concerns as to the census, although an excellent effort, may not be a true representation of the number of homeless people. David clarified that this is purely a point in time snapshot and that in future years HMIS should give us accurate longitudinal data. This is an informational item and requires no action.

### **HOMELESS HOUSING ASSISTANCE GRANT-PROPOSED STATE POLICY**

David Raymond by way of introduction made reference to the State Application and Rule Committee memo in meeting package and provided a background of the present State eligibility policy when funds are returned; although there was an exception in the case of Family Resource Center, it was not in the case of the Miami Beach project. This policy makes the Dade and other continuums ineligible to apply for funding through 2006. When funds are not utilized within the allotted time, the funds go back to the comptroller's office; it does not go to another homeless program. Staff feels that the entire community should not be penalized because of the inability of one provider to meet the criteria. This issue has been discussed at the Housing Committee and it was recommended that the matter be brought before the Executive Committee and the full Board. This matter has also been discussed with Tom Pierce of the State Council on Homelessness. There were several comments, questions, and discussion concerning the basis for the harsh policy and other components that may be considered in policy change advocacy.

- Precedence Florida Housing Finance Corporation
- Appellate process
- Legislative assistance
- Make Council members aware of community demographics – timelines changes, extension
- Look at policy from a Statewide perspective
  - Continuum and provider accountability-some penalty that is equitable

Ms. Clarke-Trotman made a motion to allow staff to pursue advocatorial avenues influencing policy change that is favorable to continuum eligibility. Mr. Johnson seconded the motion. Ms. Gilda Ferradaz abstained. Motion carried with the majority vote.

### **DCF COMMUNITY PARTNERSHIP INITIATIVE – GILDA FERRADAZ**

Ms. Gilda Ferradaz representing the Department of Children and Families provided a presentation handout enumerating changes that are being implemented throughout the State that is expected to improve and modernize program accessibility. Ms. Ferradaz provided a brief synopsis of the plan to resolve barriers as follows:

- ✧ Miami zone demographics
  - Customer Service Centers
  - Specialized District Case Maintenance Units
  - Simplified program policies and streamlined procedures
- ✧ Community Partnerships
  - Interagency agreements for preliminary screening of clients
  - Web applications with encrypted signatures and security
  - Three (3) available service options for participating Community Partner Options
  - Community partner do not determine eligibility
- ✧ Trainings
  - Provided by DCF on a continuous basis
  - Technical assistance available

◇ Benefits

- More customer needs met
- On-site benefits applications enhance resource availability
- Removes actual and perceived barriers
- Reduces burden on other social service providers such as food banks
- Assists patients with Medicaid coverage available sooner, ensures regular treatment, relieves burden on medical staff

Presentations are currently being made throughout service areas; invitations continue to be sent out. A Community Partner Information sheet is provided for those interested in participating. Ms. Ferradaz addressed several comments, questions, and concerns regarding the new plan, such as:

- ↓ Client accessibility and literacy for computer access
- ↓ Medicaid changes - HMO involvement
- ↓ Reduction in service centers
- ↓ Length of application process
- ↓ Methodology for outcomes – data review

Please contact Gilda Ferradaz for any further information.

### **CPHI REPORT**

Mr. Daniel Vincent announced that as of January 31, 2005 there was an outplacement of 57.8% at the Chapman Center, 65.0% at the South HAC, and life-to-date 58.7%. Ounce of Prevention Grantor for the Family Resource Center recently completed a monitoring visit and were pleased with the program. They are considering extending the grant. The CPHI job specialist participated at the Job Fair to improve the quality of jobs for the residents; there are now approximately 600 placements; building rapport with Minimum Wage Initiative.

Mr. Vincent thanked all the participants for the success of the Annual CPHI 5 K Run. Aside from raising a net revenue of \$100,000, it has an important awareness factor. The Marathon also received excellent press coverage from the Sun Sentinel and the Palm Beach Post. The Herald depicted the Chapman Center as the liveliest spot of the marathon run. There is an extensive amount of orders for the “Brito” bracelets.

### **APPLE TREET PERSPECTIVES REPORT**

Alicia Apfel, by way of introduction stated that the first three items of the report are action items; these projects have been delayed due to unforeseeable circumstances. Alicia provided a brief background that has resulted in the final recommendations. The recommendation to return funds to the State has been approved by the Executive Committee and is before the Board for ratification. David and Alicia addressed and clarified several comments and question during discussions of the projects regarding the options available and funding source guidelines.

### **PROJECTS UNDER DEVELOPMENT:**

- ◇ Fellowship House
- ◇ Miami Beach Housing Authority, Domestic Violence:
- ◇ Family Resource Center

Recommendation: Return State funding for Family Resource Center and Miami Beach Housing Authority to become eligible for funding application

◇ **Carrfour Supportive Housing**

• **Harding Village**

- Construction commenced October 18, 2004 and is at a 60% completion
- Electrical re-wiring plans may delay project slightly
- NIMBY concerns from neighborhood

• **Sun South**

- Construction commenced January 12, 2005 – 5% completion
- Completion is expected August 2005

• **Royalton Carlyle**

- Construction expected to begin in August 2005
- Twelve (12) month completion period projected

◇ **Camillus House**

- **Camillus House-Naranja Cottages:**
- Water and Sewer delay resolved
- Issuing documents for construction-expected to be completed June 2005
- Bidding process to commence shortly-Biscayne Engineering handling bidding process-reviewed by OCED
- **Camillus House-Relocation:**
- Hearing for special exception application for rescue-mission site use was postponed by the City of Miami
- Camillus has initiated steps to implement the S+C grant to scatter site to avoid HUD funding recapture
- At the Trust's request, there will be a written report following January hearing describing developer's plan for site and zoning strategies

Prior to any further discussions regarding the Camillus House Relocation, Ms. Karen Mahar recused herself. Mr. Simon made a motion to ratify the report as amended. Mr. Burton seconded the motion. All members present approved the motion set forth unanimously. Ms. Mahar rejoined the meeting.

### **ECONOMIC INDICATOR REPORT**

**Tax Collection Report:** Mr. Cesar Deville announced a 2.69% increase in tax earnings for January 2005, as compared to the same period last year. The January collection was \$904,684, the highest collection in the Food & Beverage history. Year-to-date collection stands at a 2.68% increase over the same period last year, representing a \$3.1 million revenue collection.

**Local, State and National Unemployment Rates:** The national unemployment average decreased to 5.2% in January 2005 from 5.4% in December 2004. The State average increased slightly to 4.5%. The Miami-Dade average was also slightly lower at 5.4%.

**Helpline:** Total of 1,014 call, with a total of 1,992 minutes, averaging 1.96 minutes per call. In response to Mr. Johnson's request, a sample "Quick Call" report will be available shortly according to Richard Rankin.

### **EXECUTIVE DIRECTOR'S REPORT**

David Raymond provided announcement/updates:

**New Staff Members:** Ms. Letricia Brown will be working with Cesar Deville to assist in expediting financial matters.

**2005 SuperNOFA Process:** Joint Services Development, Housing, and CoC Committee scheduled for March 1, 2005 at 1 p.m. for review and approval of the priorities. Process for priorities briefly explained.

**South Dade Bed Capacity:** Monitoring of the vacant bed ratio at the South HAC continues. At this point, the Center remains at or near capacity. There was a concern with outreach and communication issues. The appointed working group has made some preliminary conclusions. This is an ongoing process.

**GOB:** As previously discussed and approved by this Board staff is exploring the concept and County process of land-banking for investment and revenue purposes and lease basing. The County process is quite extensive. Consequently, staff is exploring other options through other resources to carry out these transactions in the most time and cost efficient manner. Staff is also researching management and cost of these acquisitions and the accompanying mechanisms for such management and upkeep.

### **OTHER ITEMS**

**Camillus House:** Ms. Mahar announced that there are six (6) ADA units available. Please contact her for further information.

**Indoor Meal Plan:** Mr. Simon announced that the plan began on Monday, February 21, 2005. Program has been extremely successful with no major incidents. Approximately 300-350 meals are served daily; outreach teams are also present. A more comprehensive report will be available soon. Mr. Burton and all the partners is to be commended for the success of the program.

With no further business to discuss, the meeting adjourned at 12:07 p.m.

Jeff Mell, for Ronald L. Book, Esq.  
Chairman of the Board

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